

# **THE RAJASTHAN AGRICULTURAL PRODUCE MARKET RULES, 1963**

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## राजस्थान कृषि उपज मण्डी नियम, 1963

### Short title and Definitions

1. **Short Title** – These rules may be called the Rajasthan Agricultural Produce Markets Rules, 1963 and they shall come into force at once.

2. **Definitions** – In these rules unless there is anything repugnant in the subject context:-

- (i) **“Act”** means the Rajasthan Agricultural Produce markets Act, 1961.
- (ii) **“A” Class Broker**” means a Commission Agent which is included in a ‘Broker’ as defined in the clause (iii) of section 2 (1) of the Act.
- [(ii-A) **“Agriculture Produce of particular specification”** means notified agricultural produce specified in the license issued under Sec, 5-C and Sec. 14 of the Act;
- (ii-B) **“Chemical composition”** means different parts with which notified agriculture produce is made;]
- (iii) **‘B’ Class Broker**” means Broker other than the Commission Agent.
- (iv) **“Collector”** means the Collector of that District within the limits of which the Principal Market Yard falls.
- (v) **“Government”** means the Government of Rajasthan.
- (vi) **“Form”** means form appended to these rules.
- (vii) **“Market Committee’s Official Year”** means the year commencing on the first day of April and ending on 31<sup>st</sup> March every Year.
- (viii) **“Commission Agent”** means a person who on behalf of another person and in consideration of a commission makes or offers to make a purchase or sale of any Agricultural Produce or does or offers to do anything necessary for completing or carrying out such purchase or sale.
- (ix) **“Seller”** includes a person selling or offering to sell agricultural produce on behalf of another as his duly authorised agent.



- (x) **“Secretary”** means a person appointed as Secretary of the Market Committee of any officer or servant appointed for the time being to perform the duties of the Secretary,
- (xi) **“Section”** means the section of the Act.
- [(xii) **“Institutions”** means and included Gram Panchayats, Panchayat Samitis and Zila Parishads of the market area except Gram Panchayat in whose jurisdiction the principal market-yard is situated.]

**Explanation-** (1) Village Panchayat means and includes Sarpanch and Panchas constituting the Panchayat.

- (2) [Executive Committee] of Gramdani Village means and includes chairman and members constituting the [Executive Committee.]
- (3) The Panchayat or the Gram Sabha of Gramdani Village in whose jurisdiction the principal market yard or the sub-market yard lies, shall be included in the Agriculturists constituency, but in the local authorities constituency;
- (xiii) **“Private sub-market yard”** means a private sub-market yard set-up under the Act for all or any agriculture produce specified in the notification issued under section 40 of the Act, including a private sub e-market managed by a person other than a Market Committee.
- (xiv) **“Regional Deputy Director or Regional Assistant Director”** means Regional Deputy Director or Regional Assistant Director, Agriculture Marketing Department, Rajasthan, As the case may be;
- (xv) **“Primary transaction”** means the trading of the notified agricultural produce brought by any farmer or trader in the market areas for the first time for sale, storage or processing and upon which market fees has not been paid in any market area. The transaction made between producer of the agricultural produce and the trader for the first time shall be deemed to be the primary transaction and market fees on such agricultural produce shall be paid by the purchasing trader or producer;
- (xvi) **“Secondary transaction”** means any transaction made after the primary transaction,

- (xvii) **“Special Licence”** means the licence issued by Director under sub-section (1) of the section 14-A for the business of notified agricultural produce in more than one market area ;
- (xviii) **“Specified Market Area”** means the area specified in special licence for business of notified agricultural produce ;
- (xix) **“Specified Purchase Centre”** means the purchase centre established by the Special License in the Specified Market Area; and
- (xx) **“Centre In-charge”** means the Secretary of the Market Committee or any Officer or employee of the market committee authorized or deputed by him for proper regulation and control notified agricultural produce at the specified purchase centre.”]

**3. Classification of market areas –** (1) Market areas shall be classified into “Super” class, Class “A”, Class “B”, Class “C”, and Class “D” on the basis of annual income from market, fee, as follows:-

Class	Annual income from market fee (in rupees)
“Super” class	350 lacs or more
“A” class	200 lacs or more but less than 350 lacs
“B” class	125 lacs or more but less than 200 lacs
“C” class	50 lacs or more but less than 125 lacs
“D” class	less than 50 lacs

(2) Every market committees shall consist of such number of members as referred under section 7 of the Act. All-the members shall be elected or nominated in the manner provided in these rules.

(3) Agriculturist members of the market committee shall be elected by the institutions of the market area.]

**4. Disqualifications for membership-** A person shall be disqualified for being chosen as a member of market committee:-

- [(1) if his name is not included in the voters' list of any of those segments/ parts of the legislative Assembly constituency/ constituencies which fall in the market area;]
- (2) if he has not attained the age of 21 years.
- (3) if he has been adjudged by a competent court to be of unsound mind;
- (4) if he is undischarged insolvent;
- (5) if he has been convicted and sentenced by a court to imprisonment for an offence punishable with imprisonment for a term exceeding six months unless such disqualification has been removed by an order passed by the Government;
- (6) if he has made a default in payment of any fees or cases due to market committee;
- (7) if he is a servant of the market committee or holds a license from such committee as a retailer;]
- (8) if he ha directly or indirectly and share or interest in any contract or employment with or on behalf of or under the market committee:
- (9) from the agriculturists' constituencies, if he does not possess agricultural land in his or her own name, included in the revenue record (Jamabandi) of any revenue village falling in the area of market committee]

Provided that –

- [(i) a person shall not be chosen as a member to represent constituencies other than that of traders or brokers constituency or weighmen, measures surveyors, warehousemen and other persons' constituency, as the case may be, if he holds a licence under sub-section (2) of section 4 or under section 14 of the Act read with rule 69 or rule 72 or if he is a partner or employee of a firm holding such a licence;
- (ii) a person shall not be chosen as a member representing the traders and brokers constituency or weighmen, measurers, surveyors, warehousemen and other persons' constituency, as the case may be, if he dose not reside in the market area and who has not been a license

holder on first of January of the year of election, or has been convicted from a court of law for non payment of fees or for the breach of the terms and conditions thereof.

**Explanation** - A firm or a company or a corporation having licence in more than one market-area shall not be qualified to be a member of more than one market committee.]

**[5. Constituencies-** (1) For the purpose of electing members to a market committee, the following shall be the constituencies, namely;

**(a) For 'Super' and 'A' class market committees-**

- (i) Agriculturists constituencies;
- (ii) Traders and brokers constituencies;
- (iii) Weighmen, measurers, surveyors, warehousemen and other persons' constituency; and
- (iv) Local authorities' constituency.

**(b) For 'B', 'C', and 'D' class market committees-**

- (i) Agriculturists' constituencies;
- (ii) Traders' and brokers' constituencies;
- (iii) Local authorities' constituency.

**Explanation** - The expression "Local authorities' constituency" shall mean the Municipal Board or Municipal Council or Municipal Corporation or the Gram Panchayat, as the case may be, in which the principal market yard is situated.

(2) The Collector of the district concerned, or any officer authorized by him in this behalf, shall, for the purpose of elections, divide the market area into such number of constituencies as are equal to the number of members to be elected by agriculturists' under sub-clause (1) of clause (a), or sub-clause (i) of clause (b), of sub-section (1) of section 7 and one member shall be elected from each of such constituencies.

(3) The collector or any officer authorized by him in this behalf, shall also divide the market area into two constituencies for members to be elected by traders and brokers ("A" class and "B" class) under sub-clause (ii) of clause (a) of sub-

section (1) of section 7 and one member shall be elected from each of such constituencies.

**Explanation:-**

The traders and brokers ("A" class and "B" class) of the principal yard shall form one constituency and the traders and brokers ("A" class and "B" class) in the market area excluding the principal yard including the market proper and all sub-yards in the market area shall form the other constituency.

(4) Each constituency shall be assigned a separate serial number

(5) Any voter, within ten days of the order passed by the Collector, or any officer authorized by him in this behalf, with regard to division of constituencies, may file an objection in writing, giving reason before the Collector, or the officer authorized by him in this behalf. The collector, or the officer authorized by him in this behalf, shall after providing the opportunity of hearing to the applicant decide the matter finally within seven days after the expiry of time period prescribed for filling objections.]

**[5A. Reservation of seats-** (1) [The Collector or officer authorised by him in the behalf shall reserve the seats by draw of lots in accordance with the provisions of Sec. 7-A of the Act"]

(2) The seats reserved under sub-rule (1) shall be excluded while drawing lots for such reservation in the succeeding elections till the rotation is completed.

**5B. Reservation of offices of Chairman-** (1) The State Government shall determine, by draw of lots, the offices of the Chairman to be reserved for the Scheduled Castes, Scheduled Tribes and Backward Classes by draw of lots in pursuance of section 7B of the Act.

(2) Out of the total number of offices of Chairman reserved under sub-rule (1), [50] percent shall be reserved by the Government by draw of lots for women belonging to the Scheduled Castes, Scheduled Tribes, and Backward Classes.

(3) Out of the total number of offices of Chairman of market committees in the State, [50] percent (including the number of offices reserved for women belonging to the Scheduled Castes, Scheduled Tribes, and the Backward Classes) shall be reserved by Government for women by draw of lots.

(4) Offices reserved under sub-rule (1), sub-rule(2) and sub-rule (3) shall be excluded while drawing lots for such reservation in the succeeding elections till the rotation is completed.

**5C. Determination of reserved seats -** The seats for the offices of the Chairman under rule 5B shall be reserved by the Government prior to the reservation of seats for Scheduled Castes, Scheduled Tribes, Backward Classes and Women under rule 5A.]

**[6. Persons qualified to vote-** For the purpose of electing members of each constituency following persons shall be qualified to vote;

**(I) For Agriculturists' constituencies –** All members of the institutions in the market area, shall be qualified to vote in an agriculturists constituency :

Provided that the entire ward or major part of the ward of such members must fall in the market area of concerned market committee.

**Explanation-** Member of a Gram Panchayat shall include the Sarpanch also.

**(II) For Traders and Brokers constituencies –** Any person, having a valid traders, broker's ("A" class or "B" class) or a joint licence, on first January of the year of election, under sub-section (2) of section 4 or section 14 of the Act read with rule 69, shall be qualified to vote in the traders and brokers constituencies.

**Explanation-**

- (i) Person means and includes firms, companies or corporations.
- (ii) Retailer shall not be qualified to vote in the trader and broker constituency.

**(III) For Weighmen, measurers, surveyors, warehousemen and other persons' constituencies-** Weighmen, measurers, surveyors, warehousemen and other persons licenced under rule 72 in the market area by a market committee on or before first of January of the year of the election, shall be qualified to vote in this constituency.

**(IV) For Local Authority's constituencies-** All members of the Municipal Board, or Municipal Council or Municipal Corporation or Panchas (Including Sarpanch) of the Gram Panchayat, as the case may be, in which the principal market

yard is situated shall elect their representatives as required under sub-clause (viii) of clause (a) or sub-clause (iv) of clause (b), of sub-section (1) of section 7.]

**[6A-Representative of Co-operative Marketing Societies in the market committee to be nominated by the Government-** The representative of the co-operative marketing societies operating in the market area shall be nominated to the market committee by the Government.

**6B- Representative of Central Co-operative Financing Agency in the market committee to be nominated by the Government –** The representative of Central Co-operative financing Agency, to the market committee shall be nominated by the Government.

**Explanation-** For the purpose of this rule the Central Co-operative Financing Agency shall mean and include Central Co-operative Banks, Primary land Development Banks and Urban Co-operative Banks operating under Co-operative Department of the State Government in the District, in which a market committee is situated.]

**[7. Names of the persons qualified to vote to be reported to the collector or any officer authorized by him in this behalf.-** (1) Every institution shall report the names of its members qualified to vote to the Collector or any officer authorized by him in this behalf on or before the date fixed by the Collector.

(2) Every firm, company or corporation qualified to vote in a traders, and broker's constituency under these rules shall nominate a person to vote on its behalf and shall intimate in writing the name of a person so nominated to the market committee, not later than the date fixed by the Collector in this behalf along with proof of having a valid licence as required under sub-rule (2) of rule 6:

Provided that –

- (i) The proprietor of a proprietary firm shall himself be qualified to vote.
- (ii) In case of a partnership firm, company or corporation, the firm company or corporation shall nominate one of its partners to vote.

(3) Every person qualified to vote as a weighman, measurer, surveyor, warehouseman and other persons (excluding persons qualified to vote in the traders and brokers constituency) shall report his name to the Collector or any officer

authorized by him in this behalf on or before the date fixed by the Collector along with the proof of having a valid license required under sub-rule (3) of rule 6.]

**8. Voter List.-** [(i) The Collector or any officer authorised by him in this behalf (hereinafter referred to as “such officer”) shall cause to be prepared separate lists of voters qualified to vote, for agriculturists’ constituencies, traders and brokers, constituencies and weighmen, measures, surveyors, warehousemen and other persons’ constituencies referred to in sub-rules (1) (A) and (1) (B) of rule 5. Every such list shall be revised at least 2 months before the date on which the term of the market committee is due to expire. The collector or such officer, shall, for this purpose, call upon the market committee to prepare from the market register and furnish him the names of all persons qualified to vote in the traders and borkers constituencies and weighmen, measurers, surveyors, warehousemen and other persons’ constituency. He shall also call upon the institutions within the market area to intimate to him the names of the persons qualified to vote under the agriculturists constituencies.]

[(ii) Every list of voters prepared under sub-rule (i) shall show the serial number of the voters, his or her full name, [age] his/her father’s or husband’s name, his or her residence and the nature of his or her qualification.]

(iii) Every such list shall be published provisionally in such manner as the collector or such person may deem fit.

(iv) When publishing the list provisionally, the Collector or such person shall fix a date not later than one month from the date of publication of the list before which any application for the inclusion, exclusion or correction of any entry shall reach him. The Collector or such person or any other officer appointed by the Collector for the purpose shall hear and decide any applications and objection received before the date so fixed and the decisions of the Collector or such person or the other officer relating to such application or objection shall be final.

(v) The Collector or such person shall cause the lists to be amended in accordance with the orders passed under sub-rule (iv) and shall cause them to be republished finally in such manner as he may deem fit.



(vi) If, after the final publication of the list of voters under sub-rule (v) the Collector on application or otherwise is satisfied after such inquiry as he deems fit, that any entry or entries in the list is or are erroneous or defective in any particular, the Collector may cause a list of amendments to be prepared thereupon the provisions of sub-rules (ii) to (v) shall apply in the case of such list in like manner as they apply in the case of the list of voters.

(vii) Copies of such final lists including the final lists of amendments shall be made available for inspection and sale in whole or in part in the office of the Collector or such person.

(viii) The final list as also the final list of amendments republished under sub-rule (v) shall remain in force and continue in operation as the list of voters for the purpose of any bye-election.

**9. Calling upon the constituencies to elect.-** As soon as may be after the final publication of lists of voters under sub-rule (v) of rule 8, the Collector shall call upon constituencies to elect their representatives on a date fixed by him in this behalf,

**10. Notice to elect.-** Not less than 42 days before the date fixed for the election the Collector shall [issue a notice of election] and post copies of such notice in Village Panchayat headquarters and other conspicuous places stating-

- (a) the number of persons to be elected;
- (b) the date on which, the place at which, and the hours-between which nomination papers shall be presented to him or to any other person authorised by him in this behalf, which date shall not be less than 14 days from the date of publication of notice;
- (c) the date on which scrutiny of nomination papers shall be made;
- (d) the period of withdrawal of nominations as per rule 17].
- [(e)] the date on which and the place or places at which the votes of the electors shall be taken, if there be a poll and the hours during which the poll shall be taken; and

[(f)] the day on which and the place and hour at which the votes shall be counted.

**11. Nomination-** (1) Each candidate shall on the date fixed under clause (b) or rule 10 deliver to the Collector or to any other person authorised by him in this behalf a nomination paper in Form-1

(2) Every nomination paper shall be signed by two persons qualified to vote in the constituency concerned as proposer and seconder and the candidate shall sign a declaration on it expressing his willingness to stand for election.

(3) The same person may sign as proposer as many nomination papers as there are vacancies to be filled. Each candidate shall be nominated by a separate nomination paper.

(4) The Collector or the person authorised by him in this behalf shall on receiving a nomination paper enter in the nomination paper its serial number and shall endorse thereon the date on which and the hour at which the nomination paper was delivered to him.

(5) Where any person has signed whether as proposer or seconder a large number of nomination papers than there are vacancies to be filled, those of the papers so signed which have been first received upto the number of vacancies to be filled shall be deemed to be valid.

(6) Nomination papers received after the date and the time appointed under clause (b) of rule 10 shall be rejected.

**12. Deposit on Nomination-** (1) At or before the time of the delivery of a nomination paper, each candidate shall deposit with the Collector or any other person authorised under sub-rule (1) of rule 11 a sum of <sup>2</sup>[Rs. 500/-] No candidate shall be deemed to be duly nominated unless the deposit referred to in this rule has been made.

(2) If a candidate by whom the deposit referred to in sub-rule (1) has been made withdraws his candidature in the manner and within the time specified in rule 17 or if the nomination of any such candidate is rejected under rule 16 the deposit shall be returned to the candidate, and if any candidate dies before the

commencement of the poll, any such deposit shall be returned to his Legal representative.

(3) If a candidate by whom the deposit referred to in sub-rule (1) has been made, is not elected and the number of votes polled by him does not exceed  $[1/6^{\text{th}}]$  of the total number of voter polled divided by the number of members to be elected, the deposit shall be forfeited to the market Committee.

(4) For the purposes of sub-rule (3) the total number of votes polled shall be deemed to be the total number of ballot papers, other than rejected ballot papers, counted.

(5) The deposit made by a candidate shall if it is not forfeited under sub-rule (3) be returned to the candidate, as soon as may be after the publication of the result of the election in the Official Gazette.

**13. Verification of Nominations.-** On the presentation of a nomination paper the Collector or the person authorised by him under the rule 11 (1) shall verify the names of the persons, proposer, seconder and the candidate with the list of voters.

**14. Publication of list of Nominations-** As soon as may be after the date fixed for the presentation of nomination papers, the Collector or the person authorised by him under rule 11, shall publish a list in Form-II of all nominations received with a notice that the nominations papers shall be scrutinised on the date appointed under clause (c) of rule 10 at the place and hour specified in the notice. The list of the nominations and the notice shall be published in such manner as the Collector or the person authorised as aforesaid may deem fit.

**15. Scrutiny of Nominations-** On the dates fixed for the scrutiny of nominations under clause (c) of rule 10 candidate and one of their agents duly authorised in writing by each candidate may attend at such time and place as the Collector or the person authorised by him under rule 11 may appoint and the Collector or the person so authorised shall give them all reasonable facilities for examining the nomination paper of all candidates.

**16. Disposal of objections and rejection of Nomination-** (1) The Collector or the person authorised by him under rule 11 shall then examine the nomination papers and shall decide all objection which may be made at the time to any nomination and may either on such objection or on his own motion after such summary enquiry, if any, as he thinks necessary reject any nomination on any of the following grounds:-

(i) that the candidate, the proposer or the seconder is a person whose name is not registered on the list of voters, or

(ii) that the nomination has not been made in accordance with these rules.

(2) The Collector or the person authorised as aforesaid shall endorse on each, nomination paper his decision accepting or rejecting the same and if the nomination paper is rejected shall record in writing a brief statement of his reasons for such rejections. The scrutiny shall be completed on the day fixed in this behalf under clause (c) of rule 10, and shall not be adjourned on any ground.

**17. Withdrawal of Candidature-** (1) Any candidate may withdraw his candidature by notice in writing subscribed by him and delivered either in person by the candidate himself or by any of his proposers or seconders to the Collector or to the person authorised by him under rule 11, within three days of the date succeeding that fixed for the scrutiny of nomination under clause (c) of rule 10.

(2) On completion of the scrutiny of nomination and after the expiry of the period within which candidature may be withdrawn under sub-rule (1), the Collector or the person authorised by him as aforesaid shall prepare a list of persons, whose nominations are in order and who have not withdrawn their candidature in Form-III, and cause it to be affixed in some conspicuous place in his office, in the Tehsil Office, panchayat Samiti Office concerned and in the office of the market committee not less than 7 days before the date fixed for the election.

**18. procedure of Election-** (1) If the number of candidates who are duly nominated and who have not withdrawn their candidature in the manner and within the time specified in sub rule (1) of rule 17 exceeds that of the vacancies to be filled, a poll shall be taken.

(2) If the number of such candidates is equal to the number of vacancies, all such candidates shall be declared to be duly elected.

(3) If the number of such candidates is less than the number of vacancies, all such candidates shall be declared to be duly elected and the Collector or the person authorised by him under rule 11, shall call upon the constituency to fill the remaining vacancy or vacancies as the case may be, within such time, as may be specified.

**19. Assignment of Symbols-** In the case of every contested election, the collector or the person authorised by him in this behalf shall assign to each candidate a distinguishing symbol.

**20. Form of Voting Paper-** The voting paper shall be printed in [Form IV] and shall contain the names of the candidates in alphabetical order (in Hindi), together with the distinguishing symbol assigned to each candidate under rule 19;

Provided that the names of candidates declared to be duly elected under rule 18 shall not be entered in the voting paper.

**21. Arrangements for the holding of Election etc.-** The Collector or the person authorised by him in this behalf shall make such arrangements as may be necessary for the holding and supervision of the election for the scrutiny of the ballot papers and for declaration of the results of the election.

**22. Voting-** Every voter shall have right to cast one vote in favour of a candidate in the constituency concerned.

**23. Procedure at Election when equality of votes exists.-** If when a Poll has been taken at any election an equality of votes is found to exist between any candidate, the candidate shall be selected by the lot drawn by the Collector or the person authorised by him in such manner as the Collector or such person may determine.]

**24. Death of Candidate before Poll.-** If after the taking of a poll has become necessary and before the poll is taken a candidate who has been duly nominated dies, the Collector shall being upon satisfied of the fact of the death of the candidate, countermand the poll and the election proceedings shall be commenced a new in all respects as if for a new election;

Provided that no fresh nomination shall be necessary in the case of a candidate who stood validly nominated at the time of the countermanding of the poll.

**25. Intimation to the Collector of the name of the representatives-** (1) The representative from local authority constituency shall be the person elected from amongst it's own members by the Municipal Board or Municipal Council or Municipal Corporation or Gram Panchayat, as the case may be, in which the principal market yard is situated.

(2) The Local Authorities shall intimate in writing to the Collector or the officer authorized by him in this behalf, the names of the persons elected under section 7 of the act, before the date fixed in this behalf by the Collector, or the officer authorized by him in this behalf.]

**26. Filling in casual vacancies in the market committee-** The procedure for holding a bye-election for purposes of sub-section (6) of section 7 shall be the same as that for a general election.

**27. Publication of the names of elected and nominated members of the Market committee-** The names of the elected and nominated members shall be published in the Official Gazette as soon as conveniently may be after their election and nomination.

**27-A. Determination of Validity of Election-** (1) If the validity of any election of a member of the market committee is brought in question by any person qualified either to be elected or to vote at the election to which such questions refers, such person may, within seven days after the date of the declaration of the result of the election, apply in writing to the [Regional Assistant Director].

(2) On receipt of an application under sub-rule (1) the [Regional Assistant Director] shall after giving an opportunity to the applicant to be heard after making such enquiry as he deems fit, pass an order confirming or amending the declared result of the election setting the election aside [X X X]. If the [Regional Assistant Director] sets aside the election, a date shall be forthwith fixed and the necessary steps be taken for holding afresh election.

(3) An appeal against the order of Regional Assistant Director passed under sub-rule (2) may be preferred before the Director within fifteen days of such order and the decision of the Director shall be final.]

(4) All cases pending before the Director before the notification No.F.10(191) Agri./Gr.II/74 dated 4<sup>th</sup> July, 1975, whether partly heard or are to be heard by the Director, Shall be heard and decided by the Secretary of Board in accordance with sub-rule (1) and (2)].

**28. Person disqualified to cease to be a member –** [(1) A Member of the Committee may be removed to the Government if at any time after his nomination or election as the case may be, he become subject to any of the disqualifications mentioned in rule 4 and his seat shall thereupon become vacant;

Provided that before the Government notify the removal of the member under this rule, the reasons for his proposed removal shall be communicated to the member concerned and he will be given an opportunity of tendering an explanation in writing;

(2) Notwithstanding anything contained in sub-rule (1) a member elected from either the 'Traders' and 'Brokers' constituency, or 'Weighmen, measurers, surveyors and warehousemen and other persons] constituency or Local Authorities constituency shall cease to hold office as such member, if he ceases to be a member of the electorate by which he was elected. Such member shall automatically ceases to attend the meetings of the Mandi Committee in future.]

**29. Expenditure in connection with or incidental to such elections-** All expenditure incurred by the Collector or the person authorised by him under rule 11

in connection with or incidental to the election of members of the market committee shall be recoverable under section 34 from the market committee.

**30. Destruction of voting papers-** On the expiry of three months from the date of publication of the names of elected and nominated members of the market committee under rule 27, all voting papers in the possession of the Collector or any other person authorised by him in this behalf, may be destroyed in the presence of the Chairman or the Vice-Chairman or such officer as the market Committee may appoint in that behalf the date fixed by the Collector or any other person authorised by him in this behalf.



## **PART III**

### Market Committees, Powers and duties, its Chairman, Vice-Chairman, Officers, Servants and Dispute Sub- Committees.

**31. Powers and Duties-** In addition to the powers and duties specified in the Act, the market committee shall have the powers and discharge the duties specified below-

**1. Powers-**

- (i) to recommend the removal from its office of its Chairman or Vice-Chairman;
- (ii) to have absolute control of the market.
- (iii) to prescribe qualifications required for the post of superior and inferior staff other than the Market Secretary;
- (iv) to draw up standard form of contract;
- (v) to employ auctioneers;
- (vi) to get reports of carts and loads brought into licensed premises;
- (vii) to withdraw licences granted to brokers and wighmen, measurers, surveyors and warehousemen;
- (viii) to require licencees to keep accounts, to send returns or to render assistance in collection of cess or prevention of evasion to pay cess;
- (ix) to remove the name of any trader as prescribed from the register;
- (x) to control weighments.

**2. Duties-**

- (i) to keep copies of the Act, the Rules and Notifications issued there under and of its bye law up-to-date;
- (ii) to keep a minute book of the proceedings;
- (iii) to keep the market in good and sanitary conditions;
- (iv) to maintain an account of each cart or load brought into the market yard or sub-yard;

- (v) to take security from its officers and servants;
- (vi) to maintain a register of fees or cess collected ;
- (vii) to provide persons authorised to collect fees, a cash box and counterfoil receipt books;
- (viii) to issue licences to traders, brokers, weighmen, measurers and surveyors
- (ix) to keep a set of authorised weights and scales;
- (x) to have plans and estimates prepared for works;
- (xi) to keep accounts in such forms as may be prescribed by the Government.
- (xii) To publish a statement of assets and liabilities;
- (xiii) To secure check on receipts and expenditure;
- (xiv) To regulate expenditure according to the budget;
- (xv) To prepare and adopt budget for the ensuing year;
- (xvi) To provide marketing information;
- (xvii) To arrange for temporary storage of agricultural produce.

**32. Election of Chairman & Vice-Chairman of the Committee-** (1) The Collector or any person authorised by him in this behalf shall call the meeting of a newly constituted market committee to elect its Chairman and Vice-Chairman from amongst [its members subject to sub-section (8) of section 7 of the Act.] For the purpose of this election, the Collector or the person authorised by him in this behalf shall preside over the meeting but shall not vote.]

(2) At such meeting candidates for the office of Chairman and Vice-Chairman shall be separately proposed and seconded. The proposed and seconded shall not be the same person. The names of all the candidates proposed and seconded shall be read out by the President of the meeting.

(3) If there is only one candidate for each of the offices of chairman and Vice-Chairman he shall be declared to have been elected.

(4) If there are two or more such candidates, the votes of the members present at the meeting shall be taken.

(5) Every member wishing to vote shall be supplied with a voting paper on which the names of all the candidates for the office of Chairman or Vice Chairman, as the case may be, shall be written legibly in English and in Hind, Every voting paper shall be initialed on the reverse by the President.

(6) A voter shall then place a mark against the name of the candidate for whom he wishes to vote, fold it up and deposit it in a ballot box placed before the president. If a voter is unable to do so, the President may mark the voting paper in the presence of the members according to the voter's directions and deposit it in the ballot box.

(7) The President shall than open the ballot box and count the votes in the presence of the members and declare the member who secures the largest number of votes to have been elected as the Chairman, or the Vice-Chairman, as the case may be. If there is an equality of votes among two or more candidates the president shall draw lots in the presence of the members and the person whose name is first drawn shall be declared to have been elected.

(8) Any voting paper, which contains the signature of the Voter on or which the mark is placed against more than one name or the reverse of which does not contain the initials of the President, shall be invalid.

(9) Immediately after the meeting, the President shall cause the notice declaring the flames of the persons declared to have been elected as Chairman and Vice-Chairman to be affixed in some conspicuous place in the office of the market committee.

(10) The voting papers shall be sealed by the President and retained in safe custody in the office of the Market Committee, and the Packet containing the voting papers, shall not be opened or destroyed except under the orders of the Collector.

(11) If during the course of election of a Chairman or Vice-Chairman any dispute arises as to the correctness or otherwise of the decision given or procedure followed by the Collector or the person authorised by him it shall be referred to the [Director of Agriculture Marketing] and the decision of [Director of Agriculture Marketing] in respect of such dispute shall be final.

**33. Function and Powers of the Chairman-** [X X X] The Chairman or in his absence, the Vice-Chairman Shall-

- (i) Preside over the meeting of the market committee and conduct business at such meetings.
- (ii) watch over the financial and executive administration;
- (iii) Direct in cases of emergency the execution or stoppage of any work or the doing of any work which requires the sanction of the market committee;
- (iv) [X X X]
- (v) he shall be responsible for all correspondence with the Government or the Director;
- (vi) he shall be the authority competent to grant casual leave to the Secretary. For other kinds of leave the Secretary shall apply through the Chairman to the Director who shall take action to sanction leave in accordance with leave rules governing a Government servant;
- (vii) X X X]

**34. Term of office and casual vacancy in the office of the chairman or the vice chairman-** (1) Any person elected as Chairman or Vice-Chairman shall hold office for [five years] from the date of his election as Chairman or Vice-Chairman as the case may be or for the duration of the market committee except in case of the Chairman and Vice-Chairman of the First nominated market committee referred to in sub-section (3) of section 7.

(2) In the event of the expiry of the term of office of the Chairman or the Chairman dying, resigning or ceasing to hold office for any reason before the expiry of his term of office, the Collector or any other person authorised by him in this behalf shall call a meeting of the market committee to elect another person as Chairman. The Collector or the person authorised by him, shall preside over such meeting but shall not vote. Every Chairman elected under this sub-rule to fill a casual vacancy shall hold office so long as the Chairman in whose place he is elected, would have held it if the vacancy had not occurred.

(3) In the event of the expiry of the term of office of the Vice-Chairman or the Vice-Chairman dying, resigning or ceasing to hold the office for any reason before the expiry of his term of office, the Chairman shall call a meeting of the market committee to elect another person as Vice-Chairman. The Chairman shall preside over such meeting and shall be entitled to vote. Every Vice-Chairman elected under this sub-rule to fill a casual vacancy shall hold office so long as the Vice-Chairman in whose place he is elected would have held it if the vacancy had not occurred;

Provided that when the offices of Chairman is vacant, the Vice-Chairman shall perform the functions of the Chairman till a new Chairman is elected:

Provided further that when both the offices of the Chairman and Vice-Chairman are vacant or when neither of them is able to perform the functions of a Chairman, any person appointed by the [Director] shall perform such functions till a new Chairman or Vice-Chairman is elected.

(4) Subject to the provisions of sub-rules (2) and (3) the provisions of rule 32 shall so far as may apply to the election of Chairman or Vice-Chairman under sub-rule (2) or (3) as the case may be.

**35-A. Resignation by Chairman or Vice-Chairman and members-** The Chairman, Vice-Chairman or any member of the market committee shall resign his office by a written application to the [Director]. No such resignation shall take effect until it is accepted by the [Director]

**[35-B. Motion of No-Confidence against Chairman or Vice-Chairman.-** (1) Notice of a motion of no confidence against the Chairman or Vice-Chairman of the Market Committee shall be in writing addressed to the Collector of the District in which the Principal Market Yard of the Market Committee is situated and it shall be in form X signed by the members of Market Committee who intend to move the motion and it shall be signed by not less than one third of the total number of members of the market Committee. In case, the motion of no confidence is against the Chairman and Vice-Chairman, separate notices, one in respect of the Chairman and the other in respect of the Vice-Chairman shall be given in the manner aforesaid.

(2) On the receipt of the notice under sub-rule (1) the Collector or any other officer authorised by him shall call a meeting of the Market Committee within 30 days of the receipt of the notice and shall preside over the meeting.

(3) The Collector or the authorised officer shall communicate forthwith [to the Director] the decision taken by the Market Committee on any motion of No confidence together with the names of all the members of the Market Committee present at the meeting and number of votes given in favour or against such motion. He shall also paste on the Notice Board of the Market Committee the decision taken at such meeting.]

**36. Meetings of the Committee.-** Every meeting of the Market Committee other than those referred to in clause (1) of rule 32 shall be presided over by the Chairman or in his absence by the Vice-Chairman or in the absence of both by a member elected by the meeting to preside for the occasion. [A quorum for each meeting shall be of 5 members but for adjourned meetings for want of quorum no quorum will be necessary. The meeting will be held in accordance with the procedure contained in the bye-laws.]

(2) A person presiding over the meeting shall be entitled to speak and vote on all questions at the meeting.

(3) A member presiding over a meeting shall, for that meeting or during the period in which the presides over it, have all the powers of the Chairman.

(4) All questions which may come before the committee at any meeting shall be decided by the vote of the majority of the members present at the meeting and in every case of equality of votes, a member presiding over a meeting shall have and exercise a second or casting vote.

(5) The quorum for the meeting of the Market Committee, other than adjourned meeting, shall be one-third of the total membership of the Market Committee.]

**37. Persons entitled to convene and attend meetings.-** (1) A meeting of the market committee shall be convened by the Chairman if such a meeting is desired to be convened by the Director or by a requisition signed by not less than 2/3

rd of the number of members of the committee for considering any matter of importance.

(2) The Collector or any person authorised by him in this behalf, the [Director and the Secretary of the Board or any person authorised by them] in this behalf shall be entitled to attend any meeting of the market committee, but they shall not be entitled to vote. A copy of the notice convening every meeting shall be sent to the [Collector, the Director and the Secretary of the board] or any person authorised by them in this behalf.

**38. Minute Book.-** A minute book shall be kept by every market committee and record of the proceedings of every meetings shall be entered therein by, or under the supervision of, member presiding over the meeting and shall be signed by him, he minute book shall be permanently preserved. It shall be opened to the inspection at all reasonable hours to members of the market committee and also to the [Director and the Secretary of the Board and the Collector or any other person authorised by them] in this behalf. The proceedings of the market committee shall not be treated as public documents and copies thereof shall not be supplied except when so required by orders of a court. The Secretary of the market committee shall be responsible for the writing of the minute book and he shall also sign the minute book.

**39. Copy of proceedings of meeting:-** A copy of the proceedings of every general meeting of the market committee shall be forwarded to the Collector and to the [Director and the Secretary of the Board or any other person authorised by them] in this behalf.

**40. The market committee to provide for certain matter –** After paying all sums due to Government, the market committee shall, so far as the funds at its disposal permit but subject to the provisions of the Act and these rules, provide-

- (i) for the maintenance and improvement of any enclosure or building which may constitute the market yard.

- (ii) for the construction and repairs of buildings, chabutras and other erections necessary for the purpose of the market, and
- (iii) for the health convenience and safety of the persons using the market.

**41. Appointment of Dispute Sub-Committee.-** (1) The market committee may appoint a sub-committee called the dispute sub-committee consisting of-

- (a) one of the nominated members of the committee, shall be the Chairman of the sub-committee.
- (b) one of the representatives of the agriculturists on the market committee.
- (c) one of the representatives of the traders on the market committee.
- (d) one of the representatives of the local authorities on the market committee.
- (e) one of the representatives of the co-operative societies or Co-operative Central Financing Agency.

(2) The dispute sub-committee shall arrange for the settlement of dispute between buyers or sellers or their agents including disputes regarding the quality or weight of the articles, the allowance for wrappings, containers, dirt or impurities or deduction for any cause.-

(3) The dispute sub-committee shall appoint in respect of each market yard a panel of not less than 10 persons but not more than 15 persons to act- as arbitrators in the settlement of the disputes aforesaid. Every person included in the panel shall be either an agriculturists living in or near the market or a trader doing business in such market where any such dispute arises, the parties thereto may agree to the settlement thereof in accordance with the following provisions-

[X X X]

- (b) Each party to the dispute shall select one arbitrator from the panel appointed for the purpose by the dispute sub-committee.
- (c) If the arbitrators fail to agree, they may appoint an umpire who shall also be chosen from the panel aforesaid to settle the dispute.
- (d) An appeal shall lie against the decision of the arbitrators or umpire to the disputes sub-committee.



- (e) The decision of the arbitrators or umpire or, where an appeal has been made to the disputes sub-committee, the decision of such sub-committee shall be final.
- (f) No business shall be transacted at a meeting of such sub-committee unless there be present at least three members.
- (g) Every meeting of the sub-committee shall be presided over by the chairman of the sub-committee and in his absence by a member elected by the meeting to preside on the occasion.

(4) The dispute shall be decided on the same day as far as possible.

(5) All questions which may come before the dispute sub-committee at any meeting shall be decided by the vote of majority of members present at the meeting and in every case of equality of votes, the Chairman or the presiding member shall have and exercise a second/or casting vote.

(6) The Market Committee shall maintain a full record of all the disputes, which come before the dispute sub-committee; and the Secretary of the Market Committee shall be the Secretary of such a sub-committee.

**42. Other Sub-Committees.**-(1) Notwithstanding anything contained above, there may be the following sub-committees in each Market Committee for purposes of delegation of powers on behalf of the Market Committee:-

- (i) **Executive Sub-Committee-** This sub-committee shall decide the creation of posts terms and conditions and allied service matters regulation of trade practices, management of markets, preparation of bye-laws issue of licences and their suspension, cancellation, inclusion or exclusion of market area declaration of sub market area declaration of sub Market yard.
- (ii) **Finance Sub-Committee.-** This sub-committee shall decide the budgets, investments of funds, procedure of purchases, acquisition or disposal of land and other properties, obtaining of loans, investment of provident fund amounts.
- (iii) **Development Sub-Committee-** This sub-committee shall decide the construction programmes of the Market Committees, priorities thereof.

(2) The sub-committees so formed shall not have less than three and not more than five members but one members out of them shall be a Government nominee.

(3) The Chairman of the Market Committee, if he is a member of the sub-committee shall be the convenor thereof and in other cases, Market Committee shall appoint the convenor at the time of formation of the sub-committee.

(4) The Market Committee shall not decide about any subject on which the sub-committee has been delegated powers without first being processed by such sub-committee.

(5) Every sub-committee shall maintain a minute book of its proceedings and the Secretary of the Market Committee shall be responsible for writing of the proceedings of the meeting held by the sub-committees.]

**43. Servants of the market committee- [(A)** (i) Every market committee shall have a Secretary appointed by the State Government on deputation or such scale of pay and allowances as may be fixed by the Government.

(ii) In case, the Director recommends that there is a necessity of Additional Secretary in a particular class of Market Committee, the State Government shall also appoint Additional Secretary on deputation on such scale of pay and allowances as may be fixed by Government]

**(B) Power and functions of the Secretary.-** (1) The Secretary shall be the executive officer of the market committee and carry into effect the resolution of the market committee.

(2) All other officers and servants of the committee shall be subject to his control. He shall also be responsible for directing their work in such manner as to ensure proper and efficient working of the market.

(3) It shall be the duty of the Secretary to supervise the work of the officers and servants of the committee and to take necessary disciplinary action against any of the officers and servants of the committee for their neglect,. Misconduct etc.

(4) He shall be responsible for the proper execution of all orders issued by the committee. He shall take or cause to take action against any of the directions given by the committee.

(5) The Secretary shall be the head of the establishment entertained by the committee.

(6) Subject to the control of the Chairman the Secretary shall be responsible for maintaining proper accounts of money received and or/spent for and on behalf of the committee. He shall conduct all routine correspondence and attend to other Secretarial work of the office.

(7) All correspondence with offices subordinate to Government or Director shall be conducted through the Chairman or with the previous approval of the Chairman who shall be bound to transmit them to the authorities concerned with his remarks' if any.

(8) He shall also be responsible for maintain complete records of all the disputes which come up for the decision before the dispute sub-committee in the form to be prescribed by the committee.

(9) He shall also maintain a record of the dispute settled by him in the form to be prescribed by the committee.

(10) On receipt of a complaint, either written or oral regarding all matters concerning sale and purchases of agricultural produce in the market, the Secretary shall conduct an enquiry and shall make a report of the same to the Chairman for taking such action as he may think necessary in accordance with the provisions of the Act, rules and bye-laws.

(11) He shall call meetings of the market committee and shall have the right to speak at and otherwise, take part in any meeting of the committee or sub-committee thereof, but shall not be entitled to vote or move any resolution. He shall maintain the proceedings of the meeting and sign the same.

(12) Whenever a short vacancy on the post of a Secretary arises, the Director in Consultation with the market committee may direct any member of the market committee to hold additional charge of the post.

(13) Besides a Secretary, the market committee may employ such other officers and servants as may be necessary and proper for the efficient execution of its duties. Such officers and servants shall be divided into two classes-

- (a) Superior Officers and Servants, and
- (b) Inferior Servants.

Superior officers and servants shall be the Assistant Secretary, Accountants, Treasurers, Supervisors, Qanungoes, Clerks and such officers and servants as the Director may determine besides a Secretary. The inferior servants shall be peons, watchman and other menial servants.

(14) The terms and conditions of the superior officers and servants shall be such as are approved by the Director and those of the inferior servants shall be such as the the, market committee itself may decide.

(15) The appointment of superior officers and servants shall be made by the Market Committee subject to the approval of the Director. Any punishment, revision in pay or terms of service of dismissal of the superior officers and servants shall also be subject to the approval of the Director. All inferior servants shall be under the full control of the Market Committee but the committee shall make an immediate report to the Director in regard to their appointment, pay, punishment, dismissal and other matter relating to such servants.

(16) The Director may by order in writing delegate any of his powers and duties under this rule to any of his subordinate officers subject to such conditions as he thinks fit.

(17) No Government servant employed by the Market Committee shall be punished except by the authority which would have been competent to do so if he were in service of that Government at that time or otherwise than in accordance with the rule relating to conditions of the service of the Government.

(18) The Market Committee shall take sufficient security from such of its officers and servants as are entrusted with the handling of money.

**44. Travelling allowance of the Chairman, member and officers and servants of the Market Committee-** A Market Committee may pay to its members officers and servants travelling allowance for the journeys undertaken by them at its meetings or any other Market Committee Work at the following rates-

**A. Fares :**

(1) For journey by Railway –

- (i) Member including Chairman and Vice-Chairman. First Class fare or the actual fare if the journey is performed in a lower class.
  - (ii) Secretary and other officers and servants. As per T.A. Rules of the State Government.
- (2) For journey by Road-
- (i) if places are connected by regular bus service-Actual Bus Fare.
  - (ii) For Places not connected by train or regular bus service-
    - (i) Member, including chairman and vice chairman Rs. 0.40 paise per K.M.
    - (ii) Secretary and other officers and servants.  
As per T.A. Rules of the State Government;  
Provided that the journeys must be performed by the cheapest and the shortest route.

**B. Incidental Charges-**

- (1) For journey by Rail or Bus –
  - (i) Members including Chairman and Vice-Chairman Rs. 0.40 Paise per K.M. or a fraction thereof but exceeding 5 Kms.
  - (ii) Secretary and other officers and servants. As per T.A. Rules of the State Government.

The amount of incidental charges shall be limited to one daily allowance for the actual journey period of every 24 hours or portion thereof.

**C. Daily allowance-**

**<sup>2</sup>(1) Chairman, Vice Chairman and Member:**

S. No.	Name of Designation	<b><u>For 24 Hours everyday or part thereof</u></b>		<b><u>At the rate of</u></b> Delhi, Mumbai, Channai, Calcutta and
		Except Jaipur in	For Jaipur and	

		Rajasthan and out of Rajasthan	other States Capitals	Metropolitian cities
(i)	Chairman	300	350	400
(ii)	Vice Chairman	250	300	350
(iii)	Member	200	250	300

(2) Secretary and other officers and servants- As per T.A. Rules of the State Government:

Provided that (x x x) any member including chairman and vice chairman does not get a conveyance on the day after the meeting is over he shall be eligible to get half daily allowance for the next day.

**D. Sitting Fees:**

A member including Chairman and Vice-Chairman residing in the town, in which the head-quarter of the Market Committee is situated, shall get the sitting fees for attending a meeting of the Market Committee at the rate of <sup>3</sup>[daily allowances as specified above].

**E. Journey on Transfer:**

(1) Secretary and other officers and servants. As per T.A. Rules of the State Government.

**F.** A Market Committee shall not allow its members, Secretary and employees to incur any expenditure for performing journey outside the region, as may be determined by the <sup>1</sup>[Director], in which it is situated without the previous sanction of the <sup>1</sup> [Director] or the person authorized by him in this behalf.

**G.** No Chairman or Vice- Chairman shall claim T. A. or D. A. for the journey performed by him to the headquarter of the Mandi Samiti and to any of its sub-yards for More than <sup>2</sup>[10] days in a month. Provided that the Chairman and Vice-Chiarman may claim conveyance Charges @ Rs. 5.50 per day for 5 days in a month]

<sup>3</sup>[**44-A. Honorarium-** The Chairman of Market Committee shall be paid]

Honorarium as per rates mentioned below:-

- (a) In special Class and A Class Market Committee      Rs. 6000/- per month
- (b) In 'B' 'C' and 'D' Class Market Committee              Rs. 4000/- per month]

**PART IV**

## Markets fund- Expenditure and Accounts

**45. The Market Committee fund-** All money received by the Market Committee shall be credited to the fund called the market Committee fund. Except where Government on application by the Market Committee or otherwise shall direct, all money paid into the Market committee fund shall be credited at least once a week in full into Government treasury or sub-treasury, or a bank duly approved for this purpose by the <sup>1</sup>[XXXX] <sup>1</sup>[Director]. All balance from the fund shall be kept in such treasury or sub-treasury or bank and it shall not be withdrawn upon except in accordance with these rules.

**46. Expenditure-** (1) All payments except from imprest shall be on cheque drawn on behalf of Market Committee.

<sup>3</sup>(2) No cheque on behalf of the Market Committee shall be drawn except against a bill, which has been examined and passed by the Secretary; and the Secretary shall not pass any bill for payment unless the expenditure detailed therein has received the previous sanction of the Market Committee, except-

- (i) For payment of salary and allowances of establishment,
- (ii) For the payment of works and repairs which have been duly sanctioned by competent authority.
- (iii) For meeting any urgent expenditure for which there is budget provision or which does not exceed <sup>4</sup>[Rs. 2000/-].

(3) <sup>5</sup>(i) Cheque of the value of Rs. 50,000/- and below, drawn on behalf of the Market Committee, shall be signed by the Secretary and all other cheques drawn on behalf of the Market Committee shall be signed jointly by the Secretary and the Chairman:

Provided that if the cheques submitted by the Secretary to the Chairman for signature, are not signed by the Chairman within a period of fifteen days from the date of submission, such cheques shall be signed jointly by the Secretary and the Regional Dy./ Assistant Director concerned:

Provided further that, where the Secretary is a gazette officer, he shall be competent to sign such cheques, the value of which does not exceed one lac rupees:

Provided also that in the market committees where an Administrator has been appointed, the cheques shall be signed jointly by the Secretary and the Administrator for amount exceeding Rs. 50,000/- where the Secretary is a non- gazetted officer and for amount exceeding Rs. 1.00 lac, where the Secretary is a gazetted officer.]

(ii) No payment shall be made from any Government treasury or bank, of any cheque, purporting to be drawn on behalf of the Market Committee, unless it is signed as aforesaid]

**47. Remittance to treasury or bank-** All remittance to the Government treasury or sub- treasury or bank shall be accompanied by challans or deposit slips in duplicate. The monthly or periodical statement of accounts furnished by the treasury or bank shall be regularly filed and made available for audit.

**48. Pass Book-** The pass book shall be got written upto date at least once a month by the treasury or sub- treasury or the bank by which the original account is kept.

**49. Submission of budget-** (1) The market year shall be held to commence on the 1<sup>st</sup> April and end on 31<sup>st</sup> March.

(2) The Market Committee shall hold a meeting each year during the first week of January to prepare budget of income and expenditure for the ensuing market year. The budget shall be submitted to the <sup>1</sup>[Director] or any officer authorized by him in this behalf not later than the fifteenth January for approval and the abstract accounts of the receipts and expenditure of the previous market year shall be submitted to the <sup>1</sup>[Director] or any such officer not later than thirteenth April.

(3) No expenditure shall be incurred for which there is no budget provision unless it can be met by reappropriation from savings under other heads or by a



supplementary in the available reserve which should be sanctioned unanimously at a meeting of the Market Committee and approved by the <sup>1</sup>[Director].

<sup>3</sup>[50. Works to be included in the budget- No works for which forecast estimate have been previously prepared and sanctioned by the engineer appointed by the Board shall be included in the budget.]

<sup>5</sup>[51. X X X]

<sup>3</sup>**[52. Execution of Works-** All works to be taken up by the Market Committee shall be executed and carried out by the Board in such manner as may be decided by the Board from time to time:]

<sup>6</sup>[Provided that the State Government may authorize the market committee to carry out the construction and repair works to the extent of rupees <sup>7</sup>[eight] lacs:]

Provided further that the detailed estimates and plans of the works for all such works shall be approved by engineer appointed by the Board before such execution.]

**53. Permanent fund-** (1) The surplus amount of the Market Committee fund, at the close of each market year, shall be credited to the permanent fund of the Committee within three months of the close of the year and it shall be used only towards incurring the expenses of a permanent nature such as the construction of buildings, acquisition or purchase of sites or for such other purpose as the [Director] may specify.

(2) The Market Committee may invest or deposit its surplus funds:-

(a) In the Government Saving Bank, or

(b) With any bank or person carrying on the business of banking approved by the [Director] or

(c) in National Saving Bonds or Certificates, or

(d) in any of the securities specified in section 20 of the Indian Trust Act, 1882:

Provided that no investment shall be made on the mortgage of immovable property. Any amount so invested including the interest thereon should be withdrawn after the approval of the [Director].

**54. Annual Report-** At the end of each market year, the market committee shall prepare an annual report and submit copies of it to the Director and to such other officer as may be appointed by the [Director].

**55. Accounts, audit and inspection.-** (1) The accounts and records of a Market Committee shall be kept in such manner as the Government may direct.

[(2) The account of the Market Committee shall be audited by such auditors as may be appointed by the Government on the recommendation of the Board on such terms and conditions as may be decided by the Government.

(3) At the time of audit, the Secretary or any other person authorised in this behalf shall cause to be produced all accounts, registers, documents and other relevant papers which may be called for by the audit officer for the purposes of the audit. Any explanation called for by such officer for the settlement of any discrepancy shall also be immediately furnished to him.

(4) The audit memoranda may be inspected by the members of the market committee, traders, license holders or the public free of charge in the office of the [Secretary of the Board] or at any other place specified by the [Secretary of the Board] and certified copy thereof may be obtained by any person from the said office on payment of a fee of Rs. 0.25 Paise per folio.

#### **[PART IVA**

#### **State Agricultural Marketing Board**

**55-A. Election of members under sub-section (1) of Section 22-B.-** (1) The State Government shall by order divide the State in ten single members constituencies in such a manner that at least five Market Committee are included in one constituency so as to enable each constituency to elect one member by the chairman of the Market Committee in each constituency.

(2) State Government shall call upon the Secretaries of the Market Committee in the State to intimate the names of Chairman of each Market Committee as well as the trader members of the Market Committee and on receipt of the above information, the list of Chairman of each constituency as well as the list of trader members shall be got prepared and published in accordance with provisions contained in Rule8.

(3) The State Government shall also decide the place of election for the members of the Board from amongst the Chairman of Market Committees in each constituency, and the Collector of the District where such election is to be held shall get the election conducted as per provisions contained in rules 9 to 24 of the said rules.

Provided that the election of two members of the trader members of the Market Committee shall be held at the head quarter of the Board by the State Government and the elections shall be conducted as per provisions contained in rules 9 to 24 of the said rules.

(4) All expenditures incurred in connection with these elections shall be met out of the marketing development fund and shall be recoverable from the Board.

**55-B. Determination of validity of election.-** (1) If the validity of any election of a member of the Board is brought in question by any person qualified to be elected at the elections to which such questions refers, such person may, within seven days after the date of declaration of the result of the election, apply in writing to the State Government.

(2) On receipt of an application under sub-rule (1), the State Government shall, after giving an opportunity to the applicant to be heard and after making such enquiry as he deems fit, pass an order confirming or amending the declared result of the election or setting aside the election, and such order shall be final. If the State Government sets aside the elections, a date shall be forthwith fixed and necessary steps be taken for holding a fresh election.

**55-C. Budgets of the Board and investment of surpluses and maintenance of accounts-** (1) The Board shall by the 15<sup>th</sup> January of each year pass the budget for the next market year showing the estimated income and expenditure on various heads and forward to the State Government supported by such information as may be required by the State Government.

(2) All money received by the Board shall be credited to the fund called the State Marketing Development fund except where Government on application by the Board or otherwise shall direct, all money paid into the marketing development fund shall be credited, at least once a week in full into a bank duly approved by the State

Government for the purpose. All balances from the fund shall be kept in such bank and it shall not be withdrawn upon except in, accordance with these rules.

(3) The accounts of the Board shall be maintained in such manner as the Government may direct and shall be subject to audit as the Government may specify.

(4) Every cheque drawn on behalf of the Board shall be signed by the Secretary or any other authorised by the Board. The cheque shall be drawn against a bill which has been examined and passed by the Secretary or any other officer authorised by the Board.

**55-D. Powers and functions of the Secretary-** The Secretary of the Board shall –

- (a) issue, under the instruction of the Chairman, notices for the meetings of the Board and the sub-committees thereof;
- (b) be present at such meetings and record and keep the minutes thereof;
- (c) carry out the decisions of the Board and its sub-committees;
- (d) work as drawing and disbursing officer of the Board; and
- (e) exercise such other powers and perform such other functions as are conferred or imposed on him by or under the Act or the rules or as may be delegated to him by the Board]

**Part V**  
**Market yard and market proper**

**56. Declaration of market yard and market proper** – Government may by notification in the official Gazette, declare-

- (a) any enclosure, building or locality in any market area to be a market yard.
- (b) any area, including all land with the buildings thereon, within such distance of the market yard, as it thinks fit, to be a market proper;

Provided that a market proper so declared shall include industrial concerns in the said area with their compound, godowns and warehouses, where the agricultural produce is stored.

**[56-A. Establishment of Private sub-market yard or private Consumer Farmer Market.-** (1) Any person including a co-operative society may apply to the Director or the authority empowered by the State Government in this behalf for establishment of a private sub-market yard or a private consumer-farmer market in Form XII.

(2) The minimum land required for establishment of private sub-market yard shall be five hectares and establishment of private consumer-farmer market shall be two hectares. The land should be in the name of the applicant.

[Provided that on the recommendation of the Director, the State Government may, if it is satisfied that the establishment of a private mandi yard in a particular location will promote the effective and better regulation of sale and purchase of agricultural produce, relax the requirement of minimum area on land.]

(3) The applicant shall pay a licence fee as may be specified by the Government from time to time.

(4) The Director or the empowered authority may grant a licence for establishment of a private sub-market yard or for a private consumer farmer market in Form XIII. The licensee shall abide by all the terms and conditions mentioned in the license.

(5) The Market committee shall collect market fee from, the licensees/Traders of a private sub market as per the provisions of the Act and shall pay such part of the market fee to the licensee of the Private sub-market yard, as may be specified by yje Government form time to time.

(6) Subject to Sub-Sec. (2) of Sect. 5 the licensee of private consumer-farmer market shall collect service charges from the sellers at such rate as may be specified by the Government, from to time.

(7) The sellers of the Private consumer-farmer market shall not sell more than such quantities of their produce to a consumer at one time, as may be specified by the Government from time to time.

(8) The producer shall sale his produce in the private consumer farmer market directly to the consumer at mutually agreed price.]

**[56-B. Private sub e-market.-** (1) Any person including a Cooperative Society or a Company may apply in form XVIII to the Director or the Authority empowered by the State Government in this behalf for establishment of private sub e market. The applicant shall pay such application fees and in such manner as may be specified by the State Government form time to time. Application fees shall be non-refundable.

(2) Every application shall be accompanied with a detailed project report. The project report shall contain details of,-

- (a) financial status of the applicant supported by the income tax returns for previous three assessment years of permanent assets with valuation assessed by a Chartered Accountant.
- (b) Locations of trading terminals proposed to be established;
- (c) amount proposed to be spent for setting up of facilities, for purchase/sale and storage of notified, agricultural produce including establishment for processing, grading, packing, storing and for sale/export of the agricultural produce by way of value addition;
- (d) outlay earmarked for providing facilities, if any, like lodging, boarding for the producer who bring produce to the private sub e-market; and
- (e) laboratory facilities to evaluate and determine the quality of the agricultural produce.

(3) Applications received for establishment of private sub e-market shall be entered in the register in Form XIX.

(4) Every applicant shall have,-

- (i) online trading, efficient clearing facility;
- (ii) settlement and guarantee system of national reach;
- (iii) well organized and capitalized brokerage houses, where members/ brokers with reasonable capital adequacy can participate;
- (iv) a mechanism to ensure transparency in its operations and decision making; and
- (v) working experience in Agricultural Produce markets.

(5) The Director or the Authority empowered by the State Government shall, on receipt of application, evaluate the application within a period of thirty days and after satisfaction, the Director or the Authority empowered by the State Government shall inform the applicant to deposit the license fee, as may be specified by the Government from time to time, within a period of 30 days by way of demand draft payable at Jaipur in favour of Director, Agriculture Marketing. On receipt of license fee the Director or Authority empowered by the State Government may issue licence in Form XX, with such conditions as specified in it, for a period not exceeding 5 years, which may be renewed for further period of 5 years at a time, on an application and payment of renewal fees as may be specified by the State Government from time to time. The application for renewal shall be made on plain paper. The licence, issued under this rule, shall be entered in the register in form XXI.

(6) A bank guarantee of Rupees 25 Lakhs (Rs. Twenty Five Lakhs) shall be deposited by the licensee in favour of the Director, within one month from the date of grant of license or before commencement of business, whichever is earlier;

(7) The Licensee may commence operation in private sub e-market after furnishing bank guarantee.

(8) The Licnesees of private sub e-market shall,-

- (i) Install trading terminals in the one or more market area for on-line trading at prominent locations, which are easily accessible to agriculturists;

- (ii) provide real time price and trade related information relating to notified agricultural produces through its trading terminal and web site;
- (iii) make arrangements for warehousing, weighing, grading and certification and for sanitary and phyto-sanitary provisions;
- (iv) not sell or purchase notified agricultural produce for himself;
- (v) facilitate collateral financing and borrowing against warehouse receipt;
- (vi) ensure that the payment of notified agricultural produce to the produce seller on the same day as per provisions of Section 15D of the Act. The deliveries of the sold agricultural produce shall be made only after the full payment of price to produce seller. The price quoted by the buyer shall be net payable to the producer seller, the market fees, brokerage charges etc. shall be borne by the purchaser, notwithstanding any default committed by the buyer, the Licensee of private sub e-market shall ensure the payment strictly as per provisions of Section 15D of the Act;
- (vii) collect the market fees and deposit the same with the Market Committee concerned, along with the details of the Agricultural Produce transacted;
- (viii) maintain a settlement guarantee fund, as may be specified by the State Government from time to time, and adopt proper risk management system to ensure smooth settlement;
- (ix) guarantee the performance of contracts executed on its platform.
- (x) Submit market area-wise monthly return of deliveries of notified agricultural produce in his designated warehouse. He shall also give separate figures of delivery of market fees paid goods/agricultural produce (where market fees was already paid before its delivery into designated warehouse) and such deliveries where it has been traded for the first time on private sub e-market platform;



- (xi) Collect market fees from buyer as per provisions of the Act, in respect of sale of agricultural produce, for which market fees is not paid earlier.
- (xii) Pay the market fees collected by him to the concerned market committee as per provisions of Act rules, by-laws.

(9) All terms relating to quality parameters, grading, packing standards and deliveries, including discount and premium applicable for various grades, of agricultural produce is to be traded on its platform shall be clearly specified by the private sub e-market before trading in any produce. The size and grade of notified agricultural produce to be traded in the private sub e-market shall be decided by the Director or the Authority empowered by the Director.

(10) Agriculturist may not be a member of the private sub e-market to sell his produce in private sub e-market.

(11) The Licensee or private sub e-market shall ensure that membership is available to all, including agriculturists or their groups, cooperative societies or companies. He shall be free to fix and charge membership fee, security deposit, annual subscription, margin money and other charges from their market functionaries other than the agriculturists;

Provided that the membership fee or any other fees or charges for the agriculturists shall be fixed with approval of the Director;

(12) All members of private sub e-market may appoint their sub-broker or franchise, with the permission of Licensee of private sub e-market, to provide service to their clients. These members, their sub brokers and clients shall not require any license from concerned market committee.

(13) The Duties and rights of the members of the private sub e-market shall be decided by the Licensee.

(14) Agriculturists shall give physical delivery at the warehouse designated by private sub e-market, where grading and quality certification shall be done and warehouse receipt shall be issued to the agriculturist. The charges of grading, quality certification, unloading, filling of bags and loading in scale of weighment shall be borne by the seller of agricultural produce.

(15) Procurement and disposal of agricultural produce shall be through on line trading and the clients and producer across the country can participate in electronic trading through the members of the private sub e-market. Agricultural produce sold in private sub e-market shall be regulated by the Act.

(16) The Licensee shall issue a certificate as per Annexure XXII regarding payment of market fees on agricultural produce at the time of delivery from its warehouse. Such certificate shall be kept with the vehicle carrying the produce. Private sub e-market shall maintain complete record relating to issue of such certificate and the supporting evidence, which can be verified by the Director, at any point of time. Such certificate shall be sufficient proof of payment of market fees.

(17) No market fees shall be payable on sale/resale on market fees paid agricultural produce lying in the warehouse of private sub e-market.

(18) The Director or an office duly authorised by him for this purpose or concerned Regional Deputy Director/Assistant Director or Secretary of concerned market committee shall have right to inspect the warehouse and delivery centers of the private sub e-market and to call for such information as he considers necessary.

(19) The disputes between the agriculturists and management of the private sub e-market functionaries shall be referred to concerned. Regional Deputy Director/ Assistance Director, Agriculture Marketing, within a period of 30 days of its occurrence by the party raising such dispute. The dispute shall be resolved in a summary manner within 30 days, after giving reasonable opportunity to the parties of being heard by the Deputy Director/Assistant Director concerned and any party aggrieved by the decision, may prefer an appeal to the Director.

(20) Any person who contravenes the provisions of this rule shall, on conviction, be punishable with a fine which may extend to two hundred rupees.

(21) Other provisions of these rules except rule 56A save as otherwise provided in this rule, shall mutatis mutandis apply to operation in private sub e-market.]

**57. Control and conservancy of the market yard-** (1) The market Committee shall maintain one or more market yards as may be declared under the preceding rule. Subject to these rules and to the general or special orders of the

Government and to such controls as by these rules or by any other law vested in the Collector or Director or in the Municipality, or the District Local Board, or the gram panchayat the market Committee, shall manage market yards in the best interest of the trade having regard always to the convenience of the trade in agricultural produce and the purposes for which the control is vested in the Market Committee. The market yard shall be opened for trading at such hours as the Market Committee may from time to time fix. Carts or consignments or trucks of agricultural produce intended for sale shall be assembled in the market yard in such manner and at such times as may be permitted, and ingress and egress may be permitted, to such persons and at such times as the Market Committee may consider proper.

(2) In the market proper and market area, the Market Committee shall exercise only such rights as may be necessary for the convenient control of the market and for the convenience and comforts of the market and for collection of the fees, in accordance with the provisions in the bye-laws.

(3) (a) The Market Committee may require the owner or manager of any industrial concern located within the market area to furnish such information in respect all the agricultural produce for which the market is established and which is handled or used by the industrial concern, as the committee may think necessary for the purposes of the control of the market.

(b) Any owner or manager so required to furnish information shall be entitled to appeal against such requisition within one fortnight from the date requisition to the Director whose decision in the matter shall be final.

**[57-A. Contract farming.-** (1) The contract farming buyer, shall apply for registration in Form XIII to the market committee in whose area he wants to enter into contract farming agreement.

(2) The market committee shall, thereupon register such person as contract farming buyer.

(3) The contract farming agreement shall be in Form XIV.

(4) The contract farming buyer shall get the contract farming agreement registered with the market committee in whose area the land of the contract farming producer is located.

(5) The agreement shall be written on stamp paper of the value of Rs. 100%

(6) A separate agreement shall be made for each contract farming producer. In case one contract farming producer, he has more than one farm falling in the area of different market committees, a different agreement for each farm shall be made.

(7) The agreement may be for a season or a year but not more than 5 years. In case of long term free crop, the agreement can be for a period mutually agreed to by the parties.

(8) The agreement shall be presented before the market committee for registration, along with a registration form in form XV.

(9) Separate registration form shall be filled for each agreement.

(10) The market committee shall register the agreement and issue a registration certificate in form XVI.

(11) The market committee shall charge Rs. 10/- as registration fee for each agreement.

(12) The market committee shall maintain a register for registering the agreements in Form XVII.

(13) The contract farming buyer shall abide by all the provisions of the Rajasthan Agricultural Produce Markets Act, 1961, the Rajasthan Agricultural Produce Markets Rules, 1963 and the bye-laws of the market committee concerned.

(14) The contract farming agreement shall not come into force until the contract farming buyer pays such part of the contracted amount to the contract farming producer as may be agreed mutually.

(15) The contracting price shall be higher than the minimum support price or the model price, whichever is higher, for the contracted agricultural produce during the previous harvest season, in the market committee concerned.

**Note:-** For the purpose of this rule model price shall mean the price at which the maximum transactions (sale & purchase) take place.

(16) Contract agreement shall not contain, any provision of penalty on the contract farming produce if the fails to supply the contracted agricultural produce mentioned in the contract agreement due to natural calamities.

(17) In case the contract farming buyer fails or refuses to purchase the agreed quantity of the agriculture produce from the contract farming producer, he shall pay

the amount of the difference between the agreed price and the actual sale price of the contracted produce in the market committee concerned to the producer.

(18) In the eventuality of the contract farming purchaser's refusal to buy the contracted produce, the same shall be sold by auction by the market committee concerned and the amount shall be given to the contract farming producer.

(19) The contract farming buyer shall furnish an undertaking equal to 20% of the value of the contracted amount i.e. the value of the contracted quantity, multiplied by the contracted price, with the market committee concerned. The amount of the under-taking shall be utilised by the market committee to compensate the contract farming producer in the eventuality of refusal by the contract farming purchaser to purchase the contracted produce. If the difference between the agreed price and sale price is more than the 20% of the value of the contracted amount, the difference amount shall be payable by the contract farming buyer to the producer within 15 days from the date of claim of the amount of difference.

(20) In case the contract farming producer fails or refuses to provide agricultural produce to he contract farming buyer as specified in the agreement, he shall be liable to make payment of the amount of difference between the agreed price and the average market price of the contracted produce during the agreed period of supply in the market committee concerned to the buyer.

(21) The market fee for contracted agriculture produce shall be paid by the contract farming buyer at the rates as notified under Sec. 17 of the Act. The date on which the supply of the contracted agriculture produce, in total or in-part has been made to the contract farming buyer shall be considered as the date of sale. The market fee payable on the purchase during the month, shall be paid by the contract farming buyer to the market committee upto 7<sup>th</sup> of next month by Demand draft. He shall also furnish details of market fee in the proforma specified by the Director. If the contract farming buyer fails to deposit market fee within the aforesaid period, he may deposit market fee with a late fee at the rate of 2% per month or part thereof on due market fee due within first 3 months and thereafter at the rate of 3% per month or part thereof on marked fee due upto the end of the financial year. If contract farming buyes fails to deposit market fee and late fee in the above prescribed time, the

market committee shall initiate action against the contract farming buyer as per provisions of the Act and Rules/Bye-laws made thereunder and due amount shall be recovered with the interest at the rate of 3% per month upto date of recovery from the date of market fee is due.]

## Part VI

### Cess and Fees-Levy and collection

**58. [Market area] Cess –** (1) A [market area] committee shall [ X X X] collect cess on agricultural produce bought and sold in the [market area] at such rate as may be specified [by the Government by way of notification] :

[Provided that no cess shall be levied on any such notified agricultural produce on which cess has been levied in any market area if the seller or the purchaser of such notified produce files a declaration in Form XI, in the prescribed manner, that no notified agricultural produce, cess has already been levied in any other market area of the State].

**Explanation-** (a) For the purpose of this rule a sale of agricultural produce shall be deemed to have taken place in a [Market area] if it has been weighed or measured or surveyed by a licensed weighman, measurer or surveyor in the [Market area] for the purpose of sale, notwithstanding the fact the property in the agricultural produce has by reason of such sale, passed to a person in place outside the [market area].

(b) Further for the Purpose of this rule, all notified agricultural produce taken out or proposed to be taken out of the [market area] shall, unless the contrary is proved, be presumed to be bought and sold within such [market area].

(2) The cess levied as per sub-rule (1) shall not be levied more than once on agricultural produce bought or sold in the [market area]

(3) The [market area] committee shall also levy and collect licence fee from traders, brokers, weighman, measurer, surveyors, warehousemen and other persons operating in the [market area] as provided in the bye-laws.

(4) [xxxx]

**59. Recovery of cess and fees- (1)** The cess on agricultural produce shall be payable as it is bought and sold in the [market area] as may be specified in the byelaws.

[(2) The Market fees shall be paid by the purchaser in the following manner:-

- (i) If the specified agricultural produce is sold through an “A” class broker the “A” class broker shall charge market fees from the purchaser and deposit the same with the Market Committee in accordance with the procedure specified in the byelaws.
- (ii) If the specified agricultural produce is not sold through an “A” class broker, the seller shall charge market fees from the purchaser and deposit the same with the Market Committee in the manner specified in the byelaws.
- (iii) In case the seller is not a licensee, the market fees shall be deposited by the purchaser in the manner specified in the byelaws.

**Explanation-** The Word “Purchaser” means and includes a person who as a trader or broker or any other operator has obtained a licence for the purchase of agricultural produce in the market area.]

[(3) X X X]

(4) The licence fee shall be paid along with the application for licence but in cases the [market area] committee refuses the grant of a licence, the fees recovered shall be refunded to the applicant.

(5) The [market area] committee may levy a subscription for collecting and disseminating among the subscribers, information as to any matter relating to statistics of/marketing in respect of the notified agricultural produce.

**60. Receipt-** (1) The Market Committee shall maintain a register showing the cess and the fees collected by it. A receipt duly signed by the person authorised by the Market Committee shall be granted to every person in respect of cess and fees collected from him under these rules or the byelaws.

(2) Every person authorised by the market committee to collect cess shall pass receipt to the payees, keeping counterfoils of the receipt so granted and shall render account of all receipts at least once a day to the person duly authorised in this behalf by the Market Committee.

**61. Collection of Cess-** The mode of collection of cess shall be prescribed by the Market Committee in the byelaws.



**62. Security-** The Market Committee shall take such security as it thinks fit, from its employees who are entrusted with the handling of money.

## **PART VI-A**

### **Special Licence for more than one market area**

**63. Grant of special licence-** (1) Notwithstanding anything contained in these rules, any person having a special licence issued by the Director may do business as trader or processor of agricultural produce in more than one market areas.

(2) A special licence may be issued to a person for carrying out the business of notified agricultural produce in more than one market area subject to condition that in a financial year he shall purchase from producer one or more than one agricultural produce out of the following agricultural produce in such minimum quantity as may be specified by the State Government from time to time:-

- (a) Fibres;
- (b) Cereals & Pulses;
- (c) Legumes;
- (d) Oilseeds;
- (e) Fruits, Vegetables & Flowers;
- (f) Spices;
- (g) Forest produce; and
- (h) Miscellaneous.

Note : Purchase made at all specified purchase centre shall be taken together.

**63-A. Application for licence.-** (1) Any trader or processor desirous of obtaining a special licence to operate in more than one market area shall submit an application to the Director in form Form-XXIII along with non refundable application fee as may be specified by the State Government from time to time.

(2) The application for special licence shall accompanied with-

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- (i) the proof of payment of application fees or crossed bank draft of the requisite amount drawn in favour of the Director.
- (ii) the list of the market areas in which purchase of notified agriculture produce is sought to be made and also indicate the name/father's names of all authorized representatives in every market area along with their official capacity.
- (iii) particulars of immovable property held by the applicant in the market areas and attested photocopies of the documents related thereto.
- (iv) certificate of the competent authority regarding payment of income tax/commercial tax of previous year and photocopies of the returns, balance sheet and accounts duly audited by a Chartered accountant.
- (v) declaration in form-XXIV.

**63-B. Licence Fee.-** The fee for a special licence shall be such as may be specified by the State Government from time to time. It shall be deposited in such manner as may be directed by the Director.

**63-C. Security deposit.-** (1) After taking a decision to grant special license, security, as specified by the State Government from time to time, shall be payable by the licensee. The amount of security deposit shall be in the form of cash or a bank guarantee. The bank guarantee must be issued by a scheduled/nationalized bank having its branch at Jaipur (Rajasthan) and same shall be for [such period for which the special licence has been granted.] However, it will not be necessary, for an undertaking of the State Government to deposit the security amount but it will be necessary for such undertaking to make payment to sellers of agricultural produce under the provisions of section 15D.

(2) The applicant shall have to submit a certificate of security in form XXVI along with a bank guarantee towards security deposit to the Director.

**63-D. Procedure for grant of special licence.-** (1) The Director shall, on receipt of an application for special licence, obtain no dues/no objection certificate from the Secretaries of the market committees concerned of the specified market areas.

(2) Incomplete applications shall not be accepted, Shortcomings and/or defects shall be communicated to the applicant in writing fifteen days. If the shortcomings and/or defects in the application are not rectified by the application within a period of fifteen days, such application shall be automatically stand rejected and no further action shall be taken by the Director.

(3) The Director may make such enquiry as he deems necessary, before issuing the licence. However the Director may refuse to grant licence for such market areas/specified purchase centre, after recording reasons thereof.

(4) The Director may grant or refuse the provisional or special licence in Form-XXV-A or Form XXV-B as the case may be within a period of 30 days from the date of receipt of the application.

(5) The special licence shall not be granted for establishing a purchase centre within the market proper where a market yard or sub-market yard or private sub market yard is situated.

(6) A special licence shall not be granted for establishing a purchases centre at a place which is located within the premises of a processing plant owned by the applicant. However, in case of vegetables, fruits and flowers the purchase centre may be established within the premises of a processing plant.

(7) A special licence so granted shall be valid only for the specified market areas and at purchase centres as specified in the licence.

Provided that the special licensee may purchase notified agricultural produce in the market/sub-market yards of the specified market area.

Provided further that a special licensee shall be allowed to purchases or sell the notified agricultural produce under a secondary transaction like other licensee traders of the market as per the provisions of the Act, rules and bye-laws.

(8) A special licensees may apply for permission to establish additional purchase centre in a specified market area. The Director, after conducting such enquiry as he may deem necessary, may grant permission to establish such additional purchase centre after the security amount, as specified in rule 63-C, has been deposited.

**63-E. Period of licence.** (1) The special licence shall be issued for [Such period for which the special licence has been granted.] Initially a provisional licence

shall be issued for a period of one year in Form XXV-A. During this period the licensee shall create the following facilities at the purchase centre, namely:-

- (i) Adequate electronic weighing facilities.
- (ii) Suitable arrangements for drinking water, light, toilet facilities for farmers.
- (iii) Payment counter,
- (iv) Suitable arrangement for parking of vehicles.
- (v) Essential facilities and trained manpower for determining the quality of produce i.e., percentage of moisture, foreign material, damaged grains etc.

(2) An authorized representative of the Director shall, after visiting the purchase centre, submit a report, two months prior to the expiry of the period of provisional licence, to the Director regarding the creation of facilities by the licensee as specified in sub-rule(1).

(3) In the event of having created the facilities as specified in sub-rule (1) by the licensee, regular special licence for the remaining [XXX] years shall be granted in Form XXV-B

**63-F. Disposal of Security.-** (1) Any amount payable to seller for his produce or any other amount payable to the market committee, if not paid by the licensee within the specified period, shall be recovered together with interest by the Director from the fixed deposit receipt or bank guarantee furnished by the licensee as security. The shortfall so created shall be make up by the licensee within fifteen days falling which the licence shall be liable to be cancelled.

(2) If the licensee desire to surrender his special licence, them the Director, after proper enquiry, may take a decision to refund or not to refund or to refund partly, the security amount so deposited.

**63-G. Display of special licence.-** The licensee shall display the original copy of the special licence at its business headquarters and attested photocopies thereof at purchase centers of the specified market area. An attested photocopy shall also be submitted to the market committee concerned of the specified market area.

**63-H. Renewal of special licence.-** (1) The special Licensee shall submit an application in prescribed Form-XXIII to the Director for renewal of the licence at least 30 days prior to its expiry.

(2) The applicant shall deposit an amount as may be specified by the State Government, from time to time, as renewal fee of license, in the office of the Directorate.

(3) All documents specified in sub-Section (2) of rule 63A, shall be enclosed with the application.

(4) Special licence may be renewed by the Director as per the procedure, prescribed in rule 63D.

(5) The applicant shall furnish a renewed security deposit as specified in 63-C.

**63-I. Suspension or cancellation of a special licence.-** (1) A special licence issued under these rules may be suspended or cancelled by the Director, if the licensee,-

- (a) has obtained the licence by misrepresentation of fraud or any person acting on his behalf commits a breach or contravenes any of the terms or conditions of the licence; or
- (b) in collusion with other licensee commits any act by which the marketing of any produce has been abstained. Suspended or stopped; or
- (c) has become insolvent; or
- (d) has contravened any condition of licence, the provision of the Act, these rules or bye-laws made there under; or
- (e) acts against the interest of any market committee or farmers; or
- (f) has been found guilty by a competent court or by the Director or market committee under the rules and bye-laws; or
- (g) has not paid market fees and other dues together with interest thereon; or
- (h) has not paid to the farmers/sellers of the specified market area for the agricultural produce purchased from them within the prescribed period; or

- (i) has caused default in payment by not depositing the amount due towards the Directorate or Market Committee concerned within the period mentioned in the notice/demand note; or
- (j) has not submitted the prescribed periodical returns in the Directorate or office of the Market Committee concerned, as the case may be within the prescribed time period; and
- (k) has engaged persons unauthorizedly for weighing or as hammers:

Provided that before suspending or cancelling a special licence, a reasonable opportunity of being heard shall be given to the licensee by the Director. The order to suspend or cancel a special licence shall be passed by the Director after recording reasons in writing. A copy of the order so passed shall be sent to the Secretaries of all the specified market areas and also to the Deputy/Assistant Director concerned for compliance.

**63-J. Appeal-** Any person or a Special Licensee aggrieved by an order of refusal to grant or renew a special licence or by the order of suspension or cancellation of a special licence, may prefer an appeal before the State Government, within 30 days from the date of receipt of such order. The order passed by the State Government, after giving the appellant a reasonable opportunity of being heard shall be final.

**63-K. Purchase document and sale-voucher.-** (1) The special Licensee shall prepare a purchase agreement form document in Form-XXVII in triplicate in favour of the seller for the purchase of notified agricultural produce at Specified Purchase Centre. One copy of Form-XXVII shall be retained by the purchaser, second copy shall be given to the seller and the third copy shall be submitted to the Secretary of the market committee or to the Centre In-charge on the next day.

(2) The sale-voucher shall be prepared by the purchaser in form XXX in triplicate, in favour of the seller. One copy will be submitted to the secretary of the market committee concerned or the centre in-charge on the next day.

**63-L. Disposal of complaints.-** If any dispute arises between a Special Licensee and a seller regarding rates, weight, value and /or payment of purchased notified agricultural produce, a complaint may be submitted by the Seller to the Secretary of the market committee concerned. After proper inquiry, the Secretary

shall dispose of the complaint within a period of seven days. If the complaint pertains to payment to the seller is found correct, the Secretary shall immediately inform the Director, Agriculture Marketing.

**63-M. Payment of market fees.-** The market fees payable by a special licensee, on the purchase of every notified agricultural produce in the specified market areas shall be deposited in the office of the Market committee concerned.

**63-N. Dispatch, sale and processing.-** The sale, processing or dispatch of notified agricultural produce shall be made by the licensee only after making full payment of the value of a notified agricultural produce at the Specified Purchase Centre to the seller and payment of market fees and other dues to the market committee concerned. The Special licensee shall have to obtain a permit issued by the market committee for dispatch as per provisions of by-laws before making dispatches of the market produce.

**63-O. Submission of returns by special licensee.-** (1) The Returns, pertaining to the business of notified agricultural produce in the specified market areas, shall be submitted by the Special Licensee to the market committee concerned in the prescribed form XXVIII and XXIX and at such intervals as specified in the rules. The Special Licensee shall submit all record and information, if called for by the Director, Agriculture Marketing.

**63-P. Application of other provisions of rules.-** Save as otherwise provided in rule 63, 63-A, 63-B, 63-C, 63-D, 63-E, 63-F, 63-G, 63-H, 63-I, 63-J, 63-K, 63-L, 63-M, 63-N, 63-O, all other provisions of these rules shall apply to the special licensee.]

## PART VII

### Sales and trading in market

**64. Sale of agricultural produce-** (1) All the notified agricultural produce brought into the market or produced or processed in the market proper except such quantity for consumption as may be prescribed in the bye-laws shall pass through the principal market yard or some market yard or yards and shall not be sold at any other place within the market proper.

**Explanation.-** For the purpose of this rule, processed agricultural produce shall include all the notified agricultural produce processed in the market but not a manufactured produce.

(2) Such details of all notified agricultural produce resold in the market area shall also be reported to the market committee in accordance with the provisions of the bye-laws.

(3) The price of agricultural produce brought into the market for sale shall be settled by open auction and not by secret signs and no deductions shall be made from the agreed price of the consignment except for any authorised trade allowance:

[X X X]

[Provided] that the open auction system will not apply to the resale of the notified agricultural produce which had already been brought in the market yard.

(4) Any person who contravenes the provisions of sub-rule (2) or (3) shall on conviction be punishable under sub-section (3) Section 36 with a fine which may extend to rupees two hundred.

**65. Accounts of sales to be maintained.-** The Market Committee shall maintain a record in which regular and proper account of each consignment of the agricultural produce brought in for sale in the market shall be kept.

**Explanation-** For the purpose of this rule entries collectively relating to more than one consignment shall not be deemed to be a proper and regular account of consignment.



**66. Maintenance of auction register and execution of agreement between buyer and seller.-** (1) The Market Committee shall keep an auction register in Form IX in which the entries of all the transactions shall be made. As soon as any auction transaction is effected the purchaser shall sign against the relevant entries in the register and he shall be bound to take delivery of the produce at the rates mentioned in the register.

Provided that where a sale takes place by a open agreement under rule 64(3) every purchaser of the agricultural produce shall sign the agreement slip in triplicate in form VI in favour of the seller as soon as any transaction is effected. One copy of this slip shall be kept by the purchaser, the second will be supplied to the seller and the third will be sent to the Market Committee.]

(2) Nothing in this rule shall apply to the purchasers of agricultural produce for their own private and/or household use. The purchase by such purchasers shall be subject to such conditions as may be specified in the bye-laws.

**67. Publication of prices-** (1) The Market Committee shall as far as practicable place at the disposal of those using the market information on such matters as the prices of the important crop ruling at the principal marketing centre of the State. The information shall be published in such a manner as will be readily available to all persons using the market.

(2) The Market Committee shall be responsible for furnishing market intelligence as may be directed by the Director.

**68. Penalty for disobedience of orders of Committee.-** (1) No person shall-

- (a) enter a principal market yard or some market yard in contravention of a direction given by a servant or a member of the Market Committee.
- (b) disobey any of the directions of the Market Committee in regard to the places where carts ladden with agricultural produce may stand or loads of agricultural produce may be exposed or in regard to the road by which or in regard to the times at which they may proceed.

(2) Any person contravening or disobeying any of the directions referred to sub-rule (1) shall, on conviction be punishable with fine which may extend to Rs. 10- for the first, offence and to Rs. 50/- for any subsequent offence.

**[69. Licenced Traders, 'A' Class Brokers, Trader 'A' Class Brokers (Joint) 'B' Class Brokers and Retailers :**

(1) Subject to the provisions of section 4 and section 14 of the Act, no person shall do business as a Trader or 'A' Class Broker or trader A Class Broker (Joint) or 'B' Class Broker or Retailer in Agricultural Produce Except under a permanent licence granted by the Market Committee under this rule.

(2) Any person desiring to hold such permanent licence shall make an application in form VII for a permanent licence to the Market Committee and shall pay a fee as may be specified in the bye-laws subject to a maximum of Rs. 300/- (Rupees three hundred only).

[(3) (a) on receipt of such application together with the proper amount of the fee, the Market Committee may, after making such enquiries as may be considered necessary for the efficient conduct of the market area and after obtaining the following, grant him a permanent licence in Form VIII subject to the conditions specified there in:-

- (i) On obtaining cash security or bank guarantee,
- (ii) On considering the conduct of the applicant.

(b) The amount of cash security of bank guarantee under clause (a) shall be fixed by an order by the Director."]

(4) Notwithstanding anything contained in sub rule (3) the Market Committee shall not grant a permanent licence to any person who has been declared insolvent by a competent court and may also refuse to grant permanent licence to any person whose operations in the market area are not likely to further efficient working of a market area under the control of the Market Committee. {XXX}

(5) The names of all such traders, 'A' Class Brokers Trader 'A' Class Broker (Joint) 'B' Class Broker and retailer shall be entered in a register to be maintained for the purpose.

(6) Who ever does business as a trader 'A' Class Broker trader 'A' Class Broker (Joint) 'B' Class Broker and retailer in Agricultural Produce in any market without a permanent licence granted under this rule shall on conviction be punished in accordance with sub-section (1) of section 28 of the Act.]

## Legislative Changes

Rule "69" were substituted vide notification No.F. 9 (37) agri./G-2/94 dated 15-03-1995 thereafter sub-rule (3) were again substituted in the year of 1996 vide Notification No.F.9 (37) Agri.Gr-II/94 dated 19-11-1996.

**Note-** Prior to the substitution in 1996 as above the old amended sub-rule (3) in 1995 stood as under:-

(3) On receipt of such application together with the proper amount of the fee the Market Committee may, after making such inquires as may be considered necessary for the efficient conduct of market area and after obtaining following, grant him a permanent license in form VIII and subject to the conditions specified therein-

- (i) On obtaining a solvency certificate.
- (ii) On obtaining cash security or Bank guarantee or Third person guarantee.
- (iii) On considering the conduct of the applicant.

**[70. Power of the market committee to suspend or cancel the licence granted to trader, 'A' Class Brokers and retailers:-** The market committee may by a resolution passed by a majority consisting of not less than Two Third of its members present, cancel or suspend for a fixed period, upto a maximum of one year the licence granted to any trader, 'A' Class Broker or trader 'A' Class Broker (Joint) or 'B' Class Brokers and retailer, if he contravenes any of the conditions of licence or, of the Rule or by laws or who, in the opinion of the Market Committee, is not solvent.

Provided that no order cancelling a licence or suspending it for a period of more than six months shall be passed without the previous approval of the Director.]

**71. Procedure to be adopted before taking a decision to cancel or suspend a licence-** (1) The Secretary of the committee shall first enquire into the matter and submit his report to the committee.

(2) The committee shall on the basis of the Secretary's report frame a charge sheet.

(3) The Chairman shall then call upon the person concerned to submit his explanation within a week.

(4) If the person concerned fails to submit his explanation within the aforesaid time of a week giving reasons for his misconduct or producing evidence in support of the denial of an alleged offence, the view that a prima facie has been established should be accepted.

(5) The Market Committee shall take the decision regarding cancellation or suspension of a licence on the basis of Secretary's report the charge sheet and the explanation of the person who is alleged to have committed the offence and record the reasons of cancelling or suspending the license.

(6) In case of suspension of licence by the Chairman or the Secretary in exercise of the powers conferred under sub-section (3) of section 15, the Chairman or the Secretary shall not issue order without reasonable opportunity to the party concerned and the order of the Chairman or the Secretary shall contain the specific reasons for taking recourse for such action.

**[72. Licensed Weighmen, Hamals, Measures, Surveyors, [Chemical Composition Analysts] and such other operators as may be determined by the Director-**

(1) Subject to the provision of section 4 and 14 of Act, no person shall do business as weighmen, Hamal, Measurer, Surveyor, [Chemical composition Analysis] Ware Houseman and Operator in any other manner in any Market Area except under a permanent licence granted by the Market Committee.

(2) Any person desiring to hold a permanent licence shall make an application in Form VII for a permanent licence to the Market Committee and shall pay such a fee as may be specified in the bye-laws, subject to the maximum of Rupees 150/- (One Hundred Fifty only).

(3) On receipt of such application together with the proper amount of the fee, the Market Committee may, after making such enquiries as may be considered necessary for the efficient conduct of the market area and after obtaining the following, grant him a permanent licence in Form VIII subject to the conditions specified therein.

- (i) On obtaining the recommendation from a person holding licence under rule 69.
- (ii) On considering the conduct of the applicant.

(4) Notwithstanding anything contained in sub-rule (3) the Committee may refuse to grant a permanent licence to any person who has been declared insolvent by a competent court and if the conduct of the person is found to be detrimental to the efficient functioning of the market area or if the person has not worked in the market area for more than a week without a valid reason :

Provided that in case the Market Committee neither refuse nor grants permanent licence nor makes specified enquiries from the applicant within 30 days of the receipt of application it shall be deemed to be a refusal of permanent licence to the applicant.

(5) The market Committee may by a resolution cancel or suspend a permanent licence granted to any weighman, Hammal, Measurer, Surveyor, Warehousemen or any other person operating in the Market area if he contravenes any of the conditions of a permanent licence or of the provisions of the Rules or Bye-laws or in the opinion of the Market Committee his continuance as a permanent licence holder is likely to be detrimental to the working of the Market area:

Provided that no order cancelling the permanent licence or suspending it for a period exceeding six months shall be passed without the previous approval of the Director.]

### **Legislative Changes**

Rule 72 have been substituted vide Notification No. F.9 (37) Agri/Gr-2/94 dated 15-03-1995 thereafter sub rule (3) have been again substituted vide Notification No. F.9 (37) Agri./Gr-II/94 dated 19-11-1996.

Sub rule (3) of Rule 72 as amended in 1995 have been again substituted in 1996 as above. The following is the text of 1995 position:-

(3) On receipt of such application together with the proper amount of the fixed fee by the Market Committee may, after making the such enquiries as may be considered necessary for the efficient conduct of Market Area and after obtaining the following grant him a permanent licence in form VIII and Subject to the condition specified therein.

- (i) On obtaining a solvency certificate.
- (ii) On obtaining cash security or Bank guarantee of third person guarantee.
- (iii) On considering the conduct of person.”

**73. Refusal cancellation or suspension of licence to be communicated to persons concerned –** (1) Whenever a Market Committee –

[ (a) Refused to grant or renew a licence under sub-rule (4) of rule 69 or of rule 72; or]

(b) Cancels or suspends a licence under rule 70 or sub-rule (6) of rule 72; the Market Committee shall communicate its decision or order, as the case may be to the person concerned.-

- (i) by delivering or tendering to him personally a copy of such decision or order, as the case may be, or
- (ii) by sending the same to him by registered post.

(2) Such decision or order as the case may be, shall be deemed to have been communicated to the person concerned on the date on which a copy of it was delivered, or tendered to him personally or sent to him by registered post as required by sub-rule (1),

**74 [ X X X]**

**[75. Payment of market charges –** (i) The charges payable for unloading, filling of bags, sieving and loading in the scale for weighmen etc. shall be borne by the seller or agricultural produce and the charges for weighment and unloading from scale and commission shall be borne by the purchaser of agricultural produce.

(ii) The commission payable to 'A' class broker shall be Rs. [6.00] percent in case fruits [3.00 percent in case of vegetables] and [Rs. 2.00] percent for other commodities and other charges shall be such as may be specified in the bye-laws of the Market Committees.

[Provided that the commission payable to 'A' class broker for zeera and isabgol shall be one percent.]

[Provided that the commission payable to 'A' class broker for Maize and Bajra shall be one percent.]

(iii) If the produce is stored before sale, the godown charges or other charges like weighmen etc. shall be borne by the seller of agricultural produce.]

**76. Keeping of books by trader, broker, weighman, measurer and surveyor etc.** – Every trader, broker, weighman, measurer and surveyor and such other operator as may be determined by the [Director] licensed under these rules shall keep such books in such form and render such periodical returns and at such time and in such form as the Market Committee may from time to time direct and shall render such assistance in the collection and prevention of the evasion of fees due under these rules and byelaws and in the prevention of the breach of the rules and byelaws as may be required by the Market Committee.

**77. Equipment for weighmen, measurers and surveyors** – Every weighman, measurer and surveyor shall possess such equipment as may be laid down in the byelaws.

**[78 & 78A- X X X]**

**79. Licensed weighman or measurer to wear a badge** – Every licensed weighman or measurer when plying his trade shall wear a distinguishing badge of a suitable pattern provided by the Market Committee. A deposit of not less than one and more than five rupees to cover the cost of the badge shall be paid to the Market Committee by every licenced weighman or measurer.

**80. Penalties for plying trade without licence or badge** – Any person working in the market as a [B Class broker], weighman or measurer or surveyor without a licence or any weighman or measurer plying his trade without the authorised badge shall on conviction be punishable with fine which may extend to Rs. 200/-

**81. Broker etc. not to receive fees other than those specified for their services** – No licenced broker or his servant, [Chemical composition analysts,] weighman, measurer and surveyor shall solicit or receive fees other than those specified for their services in the [rules or byelaws]. For contravention of the provisions of this rule their licence shall be liable to cancelled forthwith or in the alternative the persons concerned shall, on conviction be punished with fine which may extend to Rs. 200/-.

**82. Trader of his servant not to solicit brokerage or weighing measuring or surveying charges** – If any trader or his servant or agent solicits or receives any fee for brokerage or weighing measuring or surveying charges, his licence shall be liable to be cancelled forthwith.

**83. Weighman or measuring by licenced weighman or measurers-** In the case of a sale or purchase of agricultural produce, all weighman and measuring shall be done by licenced weighman and measurers.

**84. [ X X X]**

**85. The licenced trader or 'A' class broker to provide equipment for weighing and measuring** – (1) The licenced trader or 'A' Class borker shall provide or arrange to provide all such necessary authorised weights and measurers and authorised weighing instruments at the time of taking delivery of agricultural produces sold in the market as may be specified in the bye-laws.



(2) No licenced trader or “A” Class broker shall use weights and measures or weighing and measuring instruments other than authorised weights and measures or weighing and ensuring instruments.

(3) Any licenced trader of “A” class broker who commits a breach of the provisions of this rule shall be deemed to have violated the conditions of his licence.

**86. Weights and measures to be used in the market –** No weight, measure or weighing or measuring instrument other than an authorised weight, measure or weighing or measuring instrument shall be used in any market.

**87. Unit of price quotation to be used in the market-** The unit of price quotation in every market shall be in terms of authorised weights and measures and shall be such as are approved by the [Director] or any officer authorised by him in this behalf.

**88. Inspection of scales, weights and measures-** The Chairman, Secretary, every member of the Market Committee and every employee of the Market Committee authorised by the Market Committee in this behalf, shall be entitled at any time and without notice, to inspect, examine and compare any wieght or measure and weighing or measuring instruments, [or machines or laboratories] used, kept or possessed in any [xxx] place within the limits of the market.

**89. A set of standard weights and measures, weighing and measuring instruments to be kept by the Market Committee-** The Market Committee shall keep at least one set of such weights and measures and weighing and measuring instruments as are standard weights measures and weighing and measuring instruments respectively under the Rajasthan Weights and Measures Act, and as are in use in the market area, Such standard weights, measures and weighing and measuring instruments shall be available to the public for inspection and checking at all reasonable hours.

**90. Counter balancing in weighment-** In any rope or gunny bag or any other article is used to the bundles in the pan on the goods side of the scale, a weight equivalent to the weight of the rope or the gunny bag or of the article so used shall be added to the pan on the weight side of the scales in order to counter balance the weight of the rope or the gunny bag or of the article used for trying the bundles.

**91. Weighment on a weigh-bridge** Where the funds at its disposal permit, the market committee may, and if required by Government, shall erect one or more weigh bridges in the market and shall be responsible for keeping the same in proper working order. Any buyer or seller may, at his option have his produce weighed on it on payment of the fees fixed under the bye-laws.

**92. manner and place of weighment or measurement.-** Weighment or measurement of the agricultural produce bought and sold in the market yard shall be done in such manner and at such place or places as may be provided in the bye-laws made by the Market Committee in this behalf.

**93. Inspection of weights and measures and weighing and measuring instruments.-** (1) All weights and measures and weighing or measuring instruments which are in use in the market shall be verified and stamped by the inspector appointed under the Rajasthan Weights and measures Act, (hereinafter referred to as the inspector of Weights and Measures), within whose jurisdiction the market is situated in accordance with the provisions of the said Act and the rules made there under.

(2) Every licenced trader, 'A' class broker, weighman, or measurer shall on requisition in writing being made to him by the Chairman or the Secretary of the Market Committee, immediately produce for examination all and every scale and weight and measure used, kept or possessed by him, or by any person or persons under his authority or control and shall allow the Chairman or Secretary to inspect, examine and compare the same.

(3) On a requisition by the Chairman or Secretary to the Market committee the Inspector of Weights and Measures, in whose jurisdiction the market is situated shall

carry out the inspection and testing of weights, measures and weighing or measuring instruments in use in the market and shall take such action as is consistent with the provisions of the Rajasthan Weights and Measures Act and the rules made thereunder.

**94. Report regarding unauthorised weights and measures and weighing and measuring instruments-** If in the absence of an inspector of Weights and Measurers, any weight of measure or weighing or measuring instrument is, on examination reasonably suspected to be unauthorised, a report shall forthwith be made by the Chairman of the Market Committee in writing to the inspector of Weights and Measures who shall thereupon proceed in accordance with the provisions of the Rajasthan Weights and Measures Act, and the rules made thereunder.

**95. Penalty for disobedience of order to produce weights or measures or weighing or measuring instruments for examinations.-** Whoever being bound under the provisions of rule 93 to produce any weights or measures and weighing and measuring instruments for examination or allow the examination, inspection, or comparison of any weight or measure or weighing or measuring instruments does not produce the weights or measures or weighing or measuring instruments or does not allow the examination, inspection or comparison of any weight measure or weighing or measuring instruments shall, on conviction, be punished with the fine which may be extended to Rs. 200/-

**96. Storing or agricultural produce-** All agricultural produce brought into a market shall be stored at such place as may be specified in the bye-laws pending such arrangements, the agricultural produce brought into the market when unsold may be stored in the compounds, godown and warehouses owned or hired by the licenced broker for that purpose. The goods so stored shall be weighed in the presence of the seller or his representative at the time of delivery for storing and acknowledgement indicating the kind and weight of goods shall be given by the licensed broker to the seller. Such storing of agricultural produce shall be subject to

the payment of such storage fee and such other conditions as may be specified in the bye-laws.

**97. Regulation of advances of agriculturists.-** A licenced broker may give advance either in cash or in kind to agriculturists but such advances shall be made subject to the following conditions:-

(1) If any agreement is entered into between the lender and the borrower, the lender shall supply a copy of the agreement to the borrower.

(2) When the advances are given from time to time, on account book of the advances given, and repayments made shall be kept in the manner laid down in the bye-laws. The lender shall give a copy of such account book to the borrower and enter and attest with his signature every individual transaction of lending and recovery in the copy of the account book so given.

**98. Prevention of adulteration of agricultural produce-** It shall be the duty of the Market Committee to take all possible steps to prevent the adulteration of agricultural produce in the market and no person doing business in the market shall cause adulteration of agricultural produce in such market.

**Explanation.-** For the purposes of this rule adulteration of agricultural produce shall include the mixing of last pickings of cotton or inferior variety of agricultural produce with superior variety of agricultural produce, bold linseed with small linseed, ghee with vegetable ghee and mixing of earth, dirt and stones or any other extraneous matter with any agricultural produce.

**99. The grading and standardization of the agricultural produce.-** (1) The Market Committee shall maintain for the use of sellers and buyers a set of samples of standard grades of agricultural produce sold at the market and shall renew the same as may be necessary from time to time. The Market Committee shall also arrange to keep and exhibit samples of different grades of agricultural produce with indications of parity prices based on rates prevailing in terminal and key markets for the information of sellers and buyers.

(2) the market committee-

- (i) may carry out the work of grading of agricultural produce; or
  - (ii) may carry out or supervise the ginning and pressing of pure varieties of cotton brought into the market.
- (3) (i) the fees to be charged for carrying out the work of grading of agricultural produce shall not exceed the maximum specified in the bye-laws.
- (ii) the fees to be charged for carrying out or supervising the ginning and pressing of pure varieties of cotton shall not exceed the maximum specified in the bye-laws.

**100. Keeping of price list-** The Market Committee shall maintain daily lists of prices of different types and grades of agricultural produce in respect of which the market is established.

**101. Authority empowered to call meeting of Market Committee-** On requisition from at least half of the number of members of the Market Committee or of his own motion, the Director or any person authorised by the Director, may, if he is satisfied about the urgency of the matter, call a special meeting of the market Committee to consider matters of immediate importance for the working of the market.

**101-A. Authority to inspect the Market Committee-** The [Director] or any officer authorised by him by general or special order in this behalf, may

- (a) Inspect or cause to be inspected the accounts and offices of a Market Committee,
- (b) Hold enquiry into the affairs of a Market Committee.
- (c) Call for any return, statement, accounts or reports which he may think fit to require such Market Committee to furnish.
- (d) Require a Market Committee to take into consideration:-
  - (i) Any objection which appears to him to exist to the doing of anything which is about to be done or is being done by or on behalf of such Market Committees; or

- (ii) Any information it is able to furnish and which appear to him to necessitate the doing of a certain thing by such market Committee; and to make a written reply to him within a reasonable time stating its reasons for doing or not doing such thing;
- (e) direct that anything which is about to be done or is being done, should not be done, pending consideration of the reply and anything which should be done but is not being done within such time as may direct.]

**102. Special provisions when these rules come into force for the first time-** Government may by notification in the official Gazette suspend during the first year of the establishment of the market in any market area the operation of any of the provisions of these rules for such period and to such extent as it thinks fit.

**103. Power of the State Government the Director of the Board to delegate.-** (1) The State Government or the Director may by an order in writing, delegate any of the powers conferred in it or him under any provisions of these rules to any officer subordinate to it or him with such conditions or restrictions as it or he may like to impose.

(2) The Board may, by way of a resolution, delegate any of its powers conferred on it under nay provisions of these rules to the Chairman or Secretary of the Board with such conditions or restrictions, as it may like to impose.